

# **EXHIBIT B**

# **John T. Nichols Jr. Middle School**

## **Student & Family Handbook**

### **2022-2023**



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## **I. GENERAL INFORMATION**

### **Contact Information**

Mrs. Heidi Letendre, Principal  
Ms. Jennifer A. Govoni, Assistant Principal  
Mrs. Holly G. Sullivan, Assistant Principal  
Mrs. Karen Bertram, Nurse  
Mrs. Jackie Cavanaugh, Main Office Secretary  
Mr. Billy Karalus, Administrative Assistant  
Mrs. Rebecca Bagnell, District Food Service Director  
Mrs. Laura Dellaraco, NMS Cafeteria Head Cook

### **Special Education Department:**

Mr. Kevin Avitabile, Director of Pupil Personnel Services  
Mrs. Jennifer Healy, Director Special Education  
Mrs. Mari Gates, Special Education Coordinator

### **NMS School Counseling Team:**

Mrs. Kaylie Goodell  
Mrs. Lacey Foley  
Miss Megan Moriaty  
Miss Natasha Babul

### **Office of Curriculum and Instruction**

Dr. Terri Marculitis, Director of Curriculum and Instruction  
Ms. Sam Dormady, Humanities Coordinator, PreK-12  
Ms. Kelly Stukenborg, STEM Coordinator, PreK-12

### **Nichols Middle School Grade Level Teams**

6th Grade: Adventurers / Challengers  
7th Grade: Beacons / Explorers / Navigators  
8th Grade: Apollos / Comets / Stargazers

### **Middleborough Family Resource Center**

Ms. Meg Quirke  
[www.middleborofamilyresourcecenter.blogspot.com](http://www.middleborofamilyresourcecenter.blogspot.com)

### **Flora C. Clark Central Office Administration Building**

Mrs. Carolyn Lyons Superintendent of Schools  
30 Forest Street  
Middleboro, MA 02346  
Phone: 508-946-2000  
Fax: 508-946-2004  
<https://www.middleboro.k12.ma.us>

## **Middleborough Public Schools’**

### **District Mission Statement**

#### **Mission Statement**

- Middleborough Public Schools is to foster a culture of excellence within every student, in every classroom every day.

#### **Vision Statement**

- Middleborough Public Schools students, with the support of a dedicated community, will
- think critically, appreciate diversity, demonstrate innovation, value reflection, and develop a growth mindset as an active member of our local and global community to learn, grow, and finish strong.

#### **Theory of Action**

- If we create, support, and sustain cultures of innovation, achievement, excellence, and well-being within our school and greater community, then our students will learn to think creatively and independently, appreciate and respect diversity, demonstrate innovation, value reflection, and develop their mindset to learn, grow, and finish strong as active members of our local and global community.

#### **Strategic Objectives**

- Culture of Innovation and Achievement
  - Continue to make data-informed decisions to improve achievement for all students within an innovative environment supported by 21<sup>st</sup>-Century facilities.
- Culture of Excellence
  - Develop and nurture a positive culture wherein high expectations for students, faculty, and staff achievement are articulated, realized, and celebrated by the entire community.
- Culture of Well-being
  - Plan, develop, and implement programs and protocols which will continue to positively impact the social-emotional growth and well-being of all members of the school community.

### **Core Values, Beliefs and Learning Expectations**

- We believe the education of our children is the most important responsibility of our community.
- We believe in the importance of providing the infrastructure, resources, and instructional support for 21<sup>st</sup> century learning.
- We believe a 21<sup>st</sup> century curriculum engages students in critical thinking, creativity, collaboration, innovation, problem solving and communication.
- We believe that a partnership between the families, the schools, and the community is essential in order to provide every child with the educational opportunities that maximize their potential.
- We believe that the effective utilization of data results in informed decision-making and accountability.

- We believe focused teaching, clear expectations and continuous feedback promote accelerated learning.
- We believe that student effort and commitment produce high achievement when accompanied by opportunity and support.
- We believe mutual respect and civility are essential to a quality educational environment.
- We are a learning organization committed to continuous improvement.

## **Nichols Middle School CORE Values**

Here at John T. Nichols Jr. Middle School, NMS, we are Tiger Strong. Our school is named after a well respected community volunteer who served on our School Committee for several years.. Mr. Nichols' nickname was Tiger; hence, the school mascot was adopted.

John T. Nichols Middle School's Tiger acronym demonstrates our school values and qualities that help to develop and exemplify what it means to be Tiger Strong.

### **We are TIGERS!**

Teamwork  
Inclusiveness  
Gratitude  
Empathy  
Responsibility

## **School Hours**

Students are considered tardy if they arrive in homerooms after the late bell rings at 7:55 AM. On poor weather days, students may stand inside the main lobby until the bell rings. Upon late arrival, students are to report to the office to sign in and receive a pass to their homeroom.

Arrival: 7:35 AM-7:50 AM

Breakfast: 7:35 AM-7:45 AM

Dismissal: 2:25 PM

## **Arrival, Dismissal, Student Drop-off and Pick-up**

Morning Drop-off: Families are to drive up the driveway, take a left into the small loop next to the building. Please pull all the way up to the adults supervising the loop. Students enter the door, near the band/chorus classrooms. Adults will direct students in the correct direction.

Afternoon Student Pick-up: Students are to exit the building via the gymnasium doors. Families drive up the school driveway and continue straight through the parking lot (head towards the back by the basketball court) turn left to pull up alongside the gymnasium doors.

Walkers: Students walking home are dismissed with the bus students and are to walk along the sidewalk to the crosswalk where they will be crossed by an adult.

## **Late Buses**

Late buses are available on Monday, Tuesday, and Wednesday. Late buses arrive at NMS at approximately 3:45pm and pick up students at the main entrance. Students must have a valid, school-based reason to stay after (club meeting, extra help). Students must report to the main office upon the conclusion of the after school session with a timed pass from the sending staff person. Students are not allowed to wander the school



or be in any unsupervised or unauthorized area. Students are expected to wait for the bus in the Cafeteria under adult supervision.

### **Safe-to-School**

The Middleborough Public Schools have implemented the Safe-to-School Program. The purpose of this program is to ensure that all students are safely accounted for either at school or at home. Families must call to report their child's absence by 9:00 am. At approximately 9:00 am, a school staff member will listen to the messages and document the recorded information. The phone messages will be cross-referenced with class attendance lists to verify a child's whereabouts. If there isn't a message for a student who is absent, the designated staff member will call the families phone numbers provided to confirm their absence and remind them of the importance of complying with this program, whenever possible.

### **School Cafeteria: Point of Sales Information**

Middleborough Public Schools utilizes a point of sales system for students to purchase lunches at each of the schools. Each student is assigned a 4-digit number to enter as they purchase their lunch. Families have options for lunch payment under this point of sales system.

- Continue to provide payment for their student's lunches at each register with cash or checks for daily payment or prepayments;
- Pay for lunches online ([www.MyNutrikids.com](http://www.MyNutrikids.com)). Payments may be made through an existing PayPal account or with a major credit or debit card; or
- Continue to apply each school year if a student has qualified for free or reduced meal prices.

This information is recorded in our system, and the meal will be processed automatically. Families have the ability to print out a copy of their child's purchasing report. This history report shows all the dates and times that the child has purchased a breakfast and/or lunch as well as a la carte items within the past thirty (30) days. Families can access this history report on [www.MyNutrikids.com](http://www.MyNutrikids.com) regardless of whether or not they use the system for purchasing. Families may also provide food allergy information to the Food Services Department for inclusion in the MyNutrikids system. If you have any questions regarding your child's lunch account, please contact Rebecca Bagnell, *Food Service Director*.

## **CHAPTER 76. Residency Requirements**

In accordance with Chapter 76 of the General Laws of the Commonwealth of Massachusetts, students shall attend the public schools of the town where they actually reside. Students, who are not residents of Middleborough, may attend the schools with the proper approval of the superintendent of schools. Such students may be required to pay tuition.

**Section 5.** Every person shall have a right to attend the public schools of the town where they actually reside, subject to the following section. No school committee is required to enroll a person who does not actually reside in the town unless said enrollment is authorized by law or by the school committee. Any person who violates or assists in the violation of this provision may be required to remit full restitution to the town of the improperly attended public schools. No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses or study of such public school on account of race, color, national origin, age, sex, religion, gender identity, or sexual orientation, homelessness, or disability.

## **II. School & Student Expectations**

### **Bathrooms & Stairwells**

For the safety and protection of all students, students must have permission from a teacher to use the bathroom, sign out of the room, and if applicable use bathroom passes issued by the teacher. Bathrooms are located near each cluster area. Students may not use bathrooms between classes. A unisex bathroom is available on each floor. Students are asked to take pride at NMS by keeping the bathrooms clean and free from vandalism, graffiti, and destruction. In addition, students may not use the stairwells in the A and C Cluster areas without teacher permission, except in the event of an emergency.

### **Cafeteria**

The cafeteria is designed as a place to enjoy lunch in a relaxed atmosphere for 30 minutes each day. Free and reduced lunch forms are distributed at the beginning of the school year for any interested parent. Forms may be completed during the school year if necessary due to family circumstances. Please contact the main office if you need a form during the school year.

Expectations for the cafeteria included but are not limited to:

- Students must remain in the same seat throughout the lunch period.
- Students are asked to raise their hands at their seat and wait for an adult to provide you with permission to use the bathroom.
- Students will enjoy their own lunches; sharing food and drinks is not permitted. - With staff permission students are responsible for returning trays and clearing up their tables and floor area and disposing of all trash.
- At dismissal, all drinks and food must be placed in the trash barrels. Food and drinks are not permitted to leave the cafeteria.
- Cafeteria privileges are contingent on these rules being followed.

### **Food, Beverages & Gum**

Consumption of any food and beverages is prohibited everywhere except in the cafeteria unless authorized by school personnel. The carrying of beverage cans, bottles, coffee, and soda cups...etc. is strictly prohibited during the school day or upon arrival to school, with the exception of water bottles.

### **Lockers**

Each student will be provided with a locker and a lock. Valuables are not to be stored in lockers. Nichols Middle School cannot assume any responsibility for lost or stolen articles. Valuables that must be brought to schools should be turned in to the main office for safekeeping. Lockers should be kept clean and are checked periodically by homeroom teachers. Student lockers are school property and may be searched by a school administrator; therefore, there should not be any expectation of privacy regarding items in student lockers. Locks are the property of the middle school and will be collected at the end of the school year. **There is a replacement fee of \$10.00 for lost locks.**

### **Textbooks**

Students are responsible for taking care of textbooks and all curriculum materials/resources issued to them. Students must pay for any damaged or lost books.

### **Backpacks & Bookbags**

In order to avoid congestion in the corridors, and to assist students in the organization and care of books and materials, backpacks and bookbags may not be carried during the school day. Oversized pocketbooks which can accommodate textbooks or notebooks will be considered book bags and must be left in lockers. **Small string bag backpacks are allowed.** Upon entering the building, backpacks, book bags, and gym bags will be placed in the student lockers. Locker breaks will be held periodically throughout the day.

### **Technology**

Students have the opportunity to use technology within every classroom. Students are expected to follow standards when using technology. To ensure each student understands the guidelines to use computers, the Middleborough Public Schools Acceptable Use Policy (AUP) must be signed when they enter the school. Students assigned a school issued tablet or computer are strongly encouraged to keep the device in a protective case at all times.

### **Telephones & Electronic Devices**

The use of any electronic device (including a cell phone) is not permitted during the school day. Students may only use cell phones with teacher or administrator permission. **Taking photos and videos is strictly forbidden and will result in the loss of privilege.** Cell phones should be turned off and out of sight prior to entering NMS, and remain off in all academic areas. Electronic devices confiscated by staff members will be turned over to administration, and must be then picked up by a parent. Repeated offenses will result in loss of privilege and progressive disciplinary actions. In the event of an emergency, students will be allowed to use a school phone, but must have staff permission to do so.

### **Tobacco Products**

In accordance with the Massachusetts Education Reform Act of 1993, the use of any tobacco products within school buildings or facilities or on school grounds or buses by any individual, including school personnel, is prohibited. This includes all e-cigarettes and any paraphernalia used to vape.

### **Physical Education**

Students may bring a change of clothing for class. Tee shirts, sweatshirts, shorts, yoga pants, sweat or track pants and tied sneakers are acceptable. A student's grade will be affected if unprepared for class more than twice per term. All students will participate unless medically excused.

- To be excused from participating in class, a dated note must be brought that day stating the reason and must be written and signed by parent/guardian.
- To be excused from multiple classes, a student must have a medical note signed by their physician, specialist, or emergency room personnel, stating their condition and length of dismissal from class. If a disability is for more than half of a term, a medically excused notation will appear on the progress report and report card.
- Cell phones are not permitted to be used in the locker room at any time.

### **Bus Privileges**

The bus driver has the responsibility to maintain control of behavior on the bus and shall be considered to have the same authority as the teacher in the classroom. The school administration will assist and support the bus driver in all aspects of their duties.

### **Bus Rules**

1. The bus contractor will establish bus stops/routes with consideration of Middleborough Police Safety Officer, as appropriate. The Superintendent of Schools or their designee will have the final determination in dispute cases.
2. The bus driver is not required to wait beyond their scheduled time for picking up students. It is the responsibility of parents/guardians to have pupils at the assigned stop when the bus arrives. The bus driver will inform the students and parents/guardians when the students will be picked up.
3. Buses are for the transportation of pupils to and from school only. No pupil can be permitted to leave the bus at any point enroute to school in the morning or enroute home at the close of the school day. The entire trip to and from school must be completed.
4. No student will be permitted to change their regularly scheduled transportation except in cases of emergency with approval from school administration. In such cases, a pupil wishing to change their regular bus for a specific day must present a written request from the parent/guardian giving the date, reason, and telephone contact for the request.
5. The assignment of seats is left to the discretion of the bus driver and/or school authorities. When entering a bus, students are to go immediately to a seat. Changing seats may be allowed with the driver's permission and at their discretion, but only when the bus is not in motion. Seat belts, where provided, must be worn at all times when the bus is in motion.
6. Students are expected to conduct themselves in exactly the same way they are expected to conduct themselves in school while waiting for and riding on the bus. All school discipline rules will extend to the bus ride. The bus driver has the authority to judge conduct, to maintain discipline, and to report pupils to the respective school administrator when necessary.
7. No large items such as musical instruments, school projects, etc., skateboards, live animals, or hazardous materials of any kind may be transported on school buses. Shouting, profanity, vulgarity, and/or general misbehavior will not be tolerated on the bus.
9. Use or possession of weapons, tobacco, alcohol, drugs or other controlled substances, will not be tolerated on the bus.
10. Eating, drinking, or gum chewing will not be permitted on the bus.
11. While the use of cell phones is allowed on the bus, there is to be no video taping or taking pictures while on the bus.
12. The opening of bus windows and doors is left to the discretion of the bus driver: arms, hands, and heads are to be kept inside the bus at all times.
13. Tampering with emergency equipment, including the emergency door and/or bus equipment, will not be tolerated.
14. Disciplinary Procedures for non-compliance with School Bus Rules
  - Consequences will be given depending on the severity of the incident. Progressive disciplinary action will follow as aligned with the code of conduct.

- Students may be suspended off the bus for several days or the remainder of the school year.
- 14. Parents/Guardians of any student(s) proven to have done damage to a bus will be held financially responsible.
- 15. A copy of these rules is to be posted in each bus and published in each school's student handbook.
- 16. The Superintendent of Schools reserves the right to modify any of these rules.

### **Anti-bullying Message**

Everyone at John T. Nichols Middle School is committed to making our school a safe and caring place for all students. We will treat each other with respect, and we will refuse to tolerate bullying in any form at our school.

#### **Examples of bullying include:**

- Physically touching another student that can be considered harmful or uncomfortable
- Taking property that belongs to someone else
- Teasing someone in a hurtful way
- Using put-downs, such as insulting someone's race, religion or making fun of someone for being a boy or a girl
- Spreading rumors about someone
- Leaving someone out on purpose or trying to get other students not to associate with them during class or school activities

#### **Staff at our school will do the following things to prevent bullying and help children feel safe:**

- Closely supervise students in all areas of the school
- Watch for signs of bullying and intervene when it happens
- Incorporate the messages taught within the "Character Strong" program through team activities or curriculum units.
- Take seriously families concerns about bullying
- Completed the state recommended reporting form for incidents that after investigation may deem treatment by one or more students towards another students an incident of bullying or harassment into all reported bullying incidents

#### **Students at our school will do the following things to prevent bullying:**

- Treat each other respectfully
- Refuse to bully others
- Refuse to let others be bullied
- Refuse to watch, laugh, or join in when someone is being bullied.
- Try to include everyone in activities, both in the classroom and outside,, especially those who are often left out.
- Report bullying to an adult.

### **Civil Rights**

Every student has the right to attend school safely. All children must be able to learn in an environment that is free from discrimination based on race, color, sex, national origin, disability, religion, gender identity, or sexual orientation.

All aspects of public school education must be fully open and available to members of both sexes and of minority groups. No school may exclude a child from any course, activity, service, or resource available in that public school on account of race, color, sex, national origin, disability, religion, gender identity, or sexual orientation of such child. These regulations address five (5) areas of school policy: school admissions, admission to courses of study, guidance, course content, and co-curricular and athletic activities.

Federal law prohibits discrimination on the basis of sex in educational programs or activities receiving federal assistance. In accordance with the requirements of Title IX of the Education Amendments of 1972, Middleborough Public Schools hereby makes notice that it does not discriminate in any educational program or activity or in employment herein.

Section 504 of the Federal Rehabilitation Act of 1973, provides that no otherwise qualified handicapped individual in the United States, shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. All staff are required to ensure that we are in compliance, and are also required to report any violations or non-compliance issues. Said reports should be filed with the individual school administrator and/or the Chapter 622 & Title IX Coordinator.

A student or parent(s)/guardian(s) should immediately contact a teacher, school counselor, building administrator, or Superintendent of Schools' office with any complaint relating to civil rights issues in the schools. Measures are in place to take prompt action to investigate incidents and protect the rights of all individuals in the schools.

John T. Nichols, Jr. Middle School

508-946-2020

Henry B. Burkland Elementary School

508-946-2040

Middleborough High School

508-946-2010

Memorial Early Childhood Center

508-946-2030

Mary K. Goode Elementary School

508-946-2045

#### **Chapter 622, Section 504 & Title IX**

#### **Coordinator/Investigator**

Mr. Kevin Avitabile

508-946-2045

### **Non-Discrimination Statement**

All programs and activities at Nichols Middle School are offered without regard to race, color, sex, national origin, disability, religion, gender identity, or sexual orientation.

The school makes every reasonable effort to provide easy physical access through the use of ramps and elevators. Ample handicapped parking is clearly identified. Handicapped bathrooms are located on each floor. Individuals in wheelchairs are easily accommodated throughout the building and for transportation needs.

All educational programs and services are advertised and open to all individuals, students, staff, and parents/guardians. Program offerings seek to eliminate bias and encourage full opportunities for all. Program modifications allow for participation of students with disabilities. Pregnant students are provided access to regular education classes and activities during their pregnancy. All co-curricular activities are offered in a non-discriminatory manner. All scholarships, prizes and awards are free from bias and discrimination.

The *Nichols Middle School Student Handbook* contains the above statements. Sexual Harassment and Discrimination procedures are outlined in the *Nichols Middle School Student Handbook*. Students, staff, or parents/guardians who feel they are aggrieved in a discriminatory manner may contact the following:

Chapter 622, Section 504 & Title IX Coordinator/Investigator:  
Mr. Kevin Avitabile  
112 Tiger Drive  
Middleborough, MA 02346  
508-946-2013

### **Parental Notification Relative to Sex Education**

At the beginning of each school year, each school principal shall provide to every parent/guardian a written description of any curriculum that primarily involves human sexual education or human sexuality issues. Families of students who enroll in a school after the beginning of the school year shall be provided with such notification upon enrollment. Upon request, materials shall be made available to parents for review. Families shall have the right to exempt their children from any portion of said curriculum through written notification to the principal. No child so exempted shall be penalized by reason of such exemption.

### **III. Attendance**

Daily attendance is vital to academic success. Class discussions and classroom interactions provide the main focus for learning and cannot be replicated through make-up assignments. A student who develops a pattern of frequent absences from school can never make up for the instruction and learning that took place during the time they missed.

State law requires regular attendance at school, and an attendance check for absent students is done on a daily basis by an automated system. If a student is going to be absent from school, a parent/guardian should call the school at 508-946-2020 after 7:30 AM on the day of absence. Parents will be contacted via the Alert Now daily attendance messaging system when students



are absent from school.

If a child is absent for medical reasons and provides a note from the physician indicating the reason and dates of illness, the absence is considered “excused.” Any student absent for five consecutive days must provide a physician’s certificate to return to school. There are additional instances when a student may be temporarily absent from school including illness that does not warrant a trip to the doctor. Although parents must provide a note to the school when a child is absent due to illness that does not require a trip to the doctor, these absences are considered “unexcused.” All notes for absences must be given to the homeroom teacher within two days after the student’s return. Parents are requested to include the dates and reason for the absence, the student’s full name, grade, and homeroom on each absence note.

The law states that a child who is between the ages of 6 and 17 who “willfully fails to attend school for more than eight school days in a quarter”

(<http://www.gov/legis/laws/mgl/119-21.htm>) is considered truant and is subject to action by the school including disciplinary or legal action or parent conferences with the administration, school counselor, school nurse, and/or the supervisor of attendance. If the issue persists, the administration may file a CRA (Child Requiring Services).

- **TRUANCY** Any student who is truant is subject to disciplinary action. After repeated offenses of truancy, the supervisor of attendance must file a complaint in accordance with Massachusetts General Laws, Chapter 76, and Section 2, which requires children under the age of sixteen to attend school.
- **TARDY TO SCHOOL** A student must be in the homeroom by 7:55 A.M. or they shall be considered tardy. Students that are tardy must be signed in by a parent/guardian in the main office. When the student’s school bus arrives late an announcement will be made excusing the students on that bus from being marked as tardy.
- **DISMISSALS** Students may not leave the school building during school hours unless they have permission from the nurse or an administrator. If students need to be dismissed for a reason other than illness, they must bring a note in advance, signed by their parents or guardians. Note verification is necessary. The note should be given to the student’s homeroom teacher upon arrival to school. Homeroom teachers will then send notes to the main office to prepare the secretaries for student dismissals. A parent or guardian must sign the student out in the main office before the student can be called to the office to be released. The student’s participation in extracurricular activities that day will be at the discretion of the administration.

#### **CHAPTER 76. Section 1. Attendance**

G.L. c. 76, s 1 requires that every child, with certain exceptions, between ages established by the state board of education, must attend a public day school, or some other approved school, during the times when public schools are in session. The school committee is charged with the duty to provide for and



enforce the school attendance of all children actually residing in the city or town. Home schooling must be approved by the superintendent. Absences by a student may not exceed 7-day sessions or 14 half-day sessions in *any* six-month period.

### **Make-up Work**

It is the student's responsibility to make arrangements for make-up work upon return to school. Teachers are not required to provide assignments before absences. In the case of absences of more than two days, teachers need at least 24 hours in advance to prepare assignments. Extended illnesses will be handled on an individual basis. If the student is absent for an extended time due to illness or injury, it is the responsibility of the parent or guardian to notify the school counseling office as soon as possible to request assignments. Any requests for homework require a 24-hour notice.

### **No School/Delay Announcements**

When school is delayed or canceled, announcements are broadcast over radio stations WBZ 1030 AM, WRKO 680 AM, WBUR 90.9 FM, WPEP 1570 AM, television channels 4, 5, 6, 7, 56 and the local cable channel. Students and parents are advised to listen/watch these stations after 5:30 A.M. on days with inclement weather. Parents will also be notified about weather related school delays or cancellations via the "Alert Now" messaging system. In the interest of public safety, please do not call the police or fire departments. If there is no school or school is dismissed early due to weather circumstances, all extracurricular and evening activities are canceled.

## **IV. HEALTH**

### **Health Services:**

The nurse is on duty from 7:35 A.M. until 2:45 P.M. in the health office located in the main lobby of the school. All students must have a pass from a teacher to go to the health office unless it is an emergency. If a student is to be dismissed from school due to illness or injury, the school nurse will contact parents/guardians to make arrangements. Students are not allowed to make these arrangements on their own. If a student is dismissed, the parent must provide or make arrangements for transportation. If the nurse is unavailable, students are to report to the main office.

- All students who require the use of crutches or a wheelchair on a temporary basis must provide a doctor's note specifying the nature of the injury and the length of time these will be required. Bus students can use bus transportation while on crutches, but should sit in the seat directly behind the bus driver.
- Students are allowed to use the elevator, provided they have notes signed by a physician stating the nature of the injury and the amount of time the student is required to use the elevator. This note must be presented to the school nurse.

Students are not permitted to use the elevator without a pass from the nurse.

- All accidents are to be reported to the school nurse. Accident reports are filed for all incidents and copies are forwarded to the school administration.
- Emergency information is to be completed annually and continuously updated by the parent. For information regarding the School Committee Policy on communicable diseases, please refer to Appendix A.

### **ADMINISTRATION OF MEDICATION AT SCHOOL**

If a child is required to take any medication, prescription or over the counter, during the school day, the school nurse must have a doctor's order stating the name of the medication, the dosage, purpose, and the time(s) it must be taken. Written parental permission is required as well and an adult must bring the medication to the school nurse.

- All medication must be in the original container. No baggies are accepted. Students are not allowed to bring any medication to school. Parents must hand deliver all medication to the school nurse.
- On the last day of the school year all medication not picked up will be disposed of at that time.

### **IMMUNIZATION**

Chapter 76, Section 15 of the General Laws of Massachusetts:

No child shall, except as hereinafter provided, be admitted to school except upon presentation of a physician's certificate that the child has been successfully immunized against diphtheria, pertussis, tetanus, measles and poliomyelitis and such other communicable diseases as may be specified from time to time by the department of public health.

A child shall be admitted to school upon certification by a physician that he has personally examined such child and that in his opinion the physical condition of the child is such that his health would be endangered by such vaccination or by any of such immunizations. Such certification shall be submitted at the beginning of each school year to the physician in charge of the school health program. If the physician in charge of the school health program does not agree with the opinion of the child's physician, the matter shall be referred to the department of public health, whose decision will be final.

In the absence of an emergency or epidemic of disease declared by the department of public health, no child whose parent or guardian states in writing that vaccination or immunization conflicts with his sincere religious beliefs shall be required to present said physician's certificate in order to be admitted to school.

Current immunization requirements effective Fall of 2022 include:

- 2 doses of MMR
- 2 doses of varicella or physician certified reliable proof of chickenpox
- 4 doses of Polio

3 doses of Hepatitis B

1 dose of Tdap

### **BODY MASS INDEX, (BMI)**

#### **Height and Weight Measurement of Children and Adolescents:**

Massachusetts regulations 105 CMR 200.500, (2009) for the Physical Examination of Children requires that Middleborough Public Schools conduct a height, weight and BMI screening of each student in grades 1, 4, 7, and 10 (or, in the case of ungraded classrooms, by a student's 7th, 10th, 13th and 16th birthday). BMI results will be calculated using a student's age, gender, height, and weight. Results will be recorded in each student's individual health record.

- Prior notice of the screening and the benefits of the screening will be provided to the parent(s)/guardian(s). Measurement of height and weight will be done by trained staff. Every effort will be made to protect the privacy of the student during the screening process.
- Parent(s)/guardian(s) may request to receive the screening results through a confidential mailing or other confidential communication method by submitting a written request to the school nurse.
- School staff will not disclose the height, weight or BMI calculations of an individual student, either verbally or in writing to anyone other than the parent or individual student without written permission from the parent/guardian.
- Parent(s)/guardian(s) may waive their child's BMI screening by submitting written notification directly to the school nurse, not the physical education staff.

The Body Mass Index (BMI) and corresponding percentile of each student in grades 1, 4, 7, and 10 (or, in the case of ungraded classrooms, by a student's 7th, 10th, 13th and 16th birthday) will be calculated and reported directly and confidentially to a parent or legal guardian in accordance with 105 CMR 200.500."

### **COMMUNICABLE DISEASES**

The District is required to provide educational services to all school age children who reside within its boundaries. By law, however, admission to school may be denied to any child diagnosed, as having a disease whereby attendance could be harmful to the welfare of other students and staff, subject to the District's responsibilities to handicapped children under the law. The School Committee recognizes that communicable diseases, which may afflict students, range from common childhood diseases, acute and short-term in nature, to chronic, life-threatening diseases. Management of common communicable diseases shall be in accordance with Massachusetts Department of Health guidelines. A student who exhibits symptoms of a communicable disease may be temporarily excluded from school attendance. The District reserves the right to require a physician's statement authorizing the student's return to school. The educational placement of a student who is medically diagnosed as having a life-threatening communicable disease shall be determined on an individual basis in accordance with this policy and accompanying administrative procedures. Decisions about the proper

educational placement shall be based on the student's behavior, neurological development, and physical condition; the expected type of interaction with others in school setting; and the susceptibility to other diseases and the likelihood of presenting risks to others. A regular review of the placement decision shall be conducted to assess changes in the student's physical condition, or based on new information or research that may warrant a change in a student's placement. In the event a student with a life-threatening communicable disease qualifies for services as a handicapped child under state and federal law, the procedures for determining the appropriate educational placement in the least restrictive environment shall be used in lieu of the procedures designated above. Neither this policy nor the placement of a student in any particular program shall preclude the administration from taking any temporary actions including removal of a student from the classroom as deemed necessary to protect the health, safety, and welfare of the student, staff, and others. In all proceedings related to this policy, the District shall respect the student's right to privacy. Only those persons with a direct need to know shall be informed of the specific nature of the student's condition. The determination of those who need to know shall be made by the Superintendent.

SOURCE: MASC Policy LEGAL REF.: M.G.L. 71:55 CHAPTER 227. DRUG FREE SCHOOL ZONE

The controlled substance act provides that any person convicted of possessing, selling or using drugs within 1,000 feet of public or private school (elementary, vocational, middle or secondary) whether or not in session shall be punished by a minimum of a two-year term of imprisonment. The registrar shall suspend, without a hearing, the license or right to operate a motor vehicle of a person who is convicted of violation of this statute, however, that the period of such suspension shall not exceed five years; provided further that any person who is under the age of eighteen (18) and who has violated this provision shall not be licensed to operate a motor vehicle until such person reaches the age of 21 years.

## **WELLNESS POLICY**

### **General Policy Statement:**

The Middleborough Public Schools are committed to providing a school environment that promotes and protects children's health, well-being, and ability to learn by supporting nutrition and physical activity education that promotes lifelong wellness while still providing healthy choices. This correlates with our district mission "to foster a culture of excellence within every student, in every classroom, every day." We also believe that a staff that engages in a healthy lifestyle supports our objective of a healthy school community. The district believes that we will achieve success in this endeavor through the combined efforts of the school community, parents, and the community at large.

- Communication with parents/guardians, staff, students, and the community regarding policy goals and guidelines is essential to the success of our policy.
- The district will establish a Health and Wellness Committee which will meet regularly to develop, implement, monitor, review, and, as necessary, revise school nutrition and physical activity policies.

- Physical activity education and goals for the school community will encourage activities that support an active, healthy community of learners. These activities will consist of both structured (K-12 Physical Education/curriculum frameworks) and co-curricular (recess, intramurals, sports teams, after school) activities.
- As the types of food and beverages made available to students influence lifelong eating habits, the district will continue to increase the availability of and sale of nutritious selections and discourage the sale and consumption of beverages and foods of low nutritional value on school grounds up to 30-minutes before the beginning of the school day until 30-minutes after the end of the school day.
- Nutrition education will aim to teach, encourage, and support life-long healthy nutritional behaviors. Opportunities for staff in-service education to share best practices, which incorporate nutrition, physical activity, and wellness across the curriculum, will be pursued.

## ***MIDDLEBOROUGH PUBLIC SCHOOLS HEALTH SERVICES***

### **Crutch/Wheelchair/Transportation Protocol**

Any student in the Middleborough Public Schools who requires the temporary use of crutches or a wheelchair must have a safety plan in place. The safety plan is to be coordinated by the school nurse with input from the physician, the parent/guardian, the student, the staff, and the bus company. The following must be in place:

1. Emergency Plan- A temporary emergency evacuation plan must be initiated by the school nurse. The classroom teacher(s) and the administration will receive a copy of the plan.
2. Classroom Accommodations- Students will be allowed to use the elevator, if necessary, in their building. Students are required to have a pass/key for the elevator prior to use. This is coordinated by the school nurse once receiving documentation from a physician stating the diagnosis(injury) and includes the approximate time of use. For safety reasons Students are not allowed to use the elevator without a pass from the school nurse. Additional time to get back and forth between classes may be necessary. The school nurse will work with the staff to make any other accommodations needed. Students should not be using the stairways while on crutches, except during a fire drill when elevators are not available.
3. Transportation Accommodations-
  - Parents/Guardians must first meet with the school nurse and provide physician documentation stating the diagnosis(injury) and the approximate number of days/weeks the crutches will be required.
  - Students will be allowed to ride the school bus if determined safe to do so by the school nurse.
  - Bus drivers will not allow students on the bus with crutches until the student presents a pass from the school nurse with a parent/guardian signature.
  - The pass is only valid for the time specified. If additional time is required, the student must meet with the school nurse to receive an extension.
  - Students on crutches must have the ability to safely maneuver the stairs to the bus and sit in the seat directly behind the bus driver.
  - All students requiring a wheelchair will be provided alternative transportation.
  - The school nurse should contact the Central Office as soon as he/she is notified that a student may need this service so that arrangements may be made.
  - A physician note specifying that the student needs alternative transportation must be provided to

the school nurse. This note should include the nature of the need, as well as the expected duration. If this is not known, the physician may specify until further notice.

- The school nurse will fax the physician note to the Central Office.
- Parents/Guardians may also provide private transportation.

## **ALLERGIES**

The nurse must be informed of student allergies and other medical conditions and if/when there is a change in a student's medical status. This information should be documented on the Pupil Registration Form. Students with peanut or nut tree allergies have a peanut safe table in the cafeteria and their classroom is identified as a peanut safe area for the safety of each student with a peanut or nut tree allergy. School administrators and appropriate staff are made aware of students with specific allergies.

## **V. SCHOOL SAFETY**

### **Emergency Response Procedures**

#### **Fire Drills**

All fire drills and fire alarms are to be taken seriously by all students. Fire drills are of paramount importance to ensure the safety and protection of our students and faculty. Students are to adhere to the following regulations:

- The prolonged ringing of the fire alarm will be the signal to exit the building.
- Pupils are to leave in an orderly fashion as directed by a teacher. Students are expected to be familiar with the fire drill regulations posted in each room.
- **ABSOLUTE SILENCE** must be maintained throughout the entire drill/alarm. Talking during a fire drill may result in disciplinary action.
- Students in the hallways should leave the building by the closest available exit. • Once outside, they should remain with their classroom teachers or stay with the nearest teacher that can assist the student for attendance purposes.
- Students in the cafeteria should follow the directions of the duty teacher, exiting by posted instructions.
- Teachers should be the last ones to leave the room. Close classroom doors.
- **NO ONE HAS PERMISSION TO REMAIN IN THE BUILDING.** Students and teachers in outdoor physical education classes should stop activity until the fire drill has ended. • Frequently, the teachers or firefighters may block certain stairways to the exits. At such times, students are to follow instructions of teachers.
- Students return to the building by the same door that was used for exit.
- Students unable to use the stairs (on crutches, wheelchairs, etc.) should report to the elevator area. A duty teacher will supervise and assist these handicapped students. Should smoke or lack of electricity prevent the use of the elevator, the duty teacher will carry the handicapped student outside.

**It is against the law to pull a false alarm. False alarms put firefighters', students' and staff's lives in danger. Serious legal and disciplinary consequences will result.**

### **Middleborough Public Schools'**

## **Emergency Response Protocols**

Below are three (3) emergency response options that are practiced by staff and students annually to enhance safety in case of emergency:

**Stay Put:** A “Stay Put” will be declared when it is necessary to contain all students and staff in classrooms halting movement in the hallways. The situation could be minor and short-term, or it may be or become a more serious issue and require a long-term “Stay Put” or a change in status to a lockdown.

**Lockdown:** A “Lockdown” is declared when school and/or police personnel deem an emergency as imminently dangerous to the safety and well-being of the school community. A “Lockdown” is intended to isolate the building occupants from the violence. School Personnel will enact Emergency Lock-Down Procedures in the event that a “Lockdown” is called.

### **The ABCs of MPS Emergency Response Options:**

Please note:

1. This is a non-linear list of possible responses that faculty and staff may choose from at their discretion in case of an active threat
2. As the active threat situation changes, your response may change as well

**Alert**—Based on the threat, Alert can mean many things

- Call 911
- Using any means of communication, teachers will alert school administration immediately providing as much detail as possible
- Administrative Team will offer all real-time information over the Public Announcement (PA) system and continue to offer updates as they are made available
- DO NOT POST INFORMATION ON SOCIAL MEDIA SITES

**Barricade and Lockdown**—Based on the threat, it may be best to stay and fortify your space

- Based on the threat, a barricade and lockdown may be best
- Use desks, belts, cords, chairs, doorstops, bookcases—anything you can use to prevent an intruder from breaking through the door and crossing the threshold(s) into your classroom ●
- Once barricaded, students and staff should prepare to distract/disarm the threat. Please see “Distract/Disarm” for more detail

**Communicate**—The more information people have, the better, more informed decisions they can make

- Administrative Team/Police Representative will provide as much real-time information over the PA system and walkie talkies as possible including the location of the intruder, the nature of the emergency, and anything that might help faculty and staff decide the best course of action to keep students and themselves safe.
  - Information provided may address the threat directly in order to confuse and distract the intruder.
- Faculty and staff should provide as much information as possible to the 911 operator—the threat’s location, description, wounded, etc.
- Faculty and staff should use cell phones, classroom phones, texting, walkie talkies, e-mail, tablets—anything that will provide information to the 911 operator or Administrative Team. DO NOT POST INFORMATION ON SOCIAL MEDIA SITES.
- SEE CONTACT LIST FOR CELL PHONE NUMBERS AND EMAIL ADDRESSES



**Distract/Disarm** –Worst Case Scenario: The threat has crossed the threshold into your space.

Make every effort to distract the threat by interrupting the OODA loop: Observe, Orient,

- Make Noise
- Move; run by the threat
- Create distance
- Create distractions
- Throw anything/everything at the threat in their line of sight (head, upper body)
- Evacuate the area if possible

If willing and able, swarm the intruder and subdue the threat using any means necessary  
If able, secure the intruder's weapon under a trash can or orange emergency bucket DO NOT SECURE THE WEAPON IN HAND

**Evacuate/Escape**—Based on the threat, it may be best to evacuate the area ● Whether planned or not, a mass evacuation will occur during the active threat event ● If, based on the Alert, Communication/Information, the best option is to Evacuate/Escape, staff and students are empowered to GET OUT!

- If needed, single or small groups of those evacuating should zig zag as they run toward the rally point to become a harder target.
- Staff and students should make every effort to meet as soon as possible at the designated rally points off campus.
- Parents and family members SHOULD NOT COME TO THE SCHOOL, but should meet their loved ones at the designated rally points.

### **Cooperative Relationships with School Community Support Personnel**

Communications with members of the school-community may be conducted to promote the safety and order of all students and school personnel. Cooperative agreements between Local Law Enforcement and the Middleborough Public Schools are described in detail within the Memorandum of Understanding. Cameras, lights, hand held radio communications, school design, introduction of K-9 Teams and other security measures are a few examples of this relationship.

### **Protection of Children**

Any student who has reason to believe they are a victim of abuse, in any form, by a parent/guardian has the right, by law (Chapter 51A), to report the alleged offense to a physician, medical intern, medical examiner, dentist, nurse, teacher, administrator, guidance counselor, probation officer, social worker, or police officer. These people have a legal obligation to report alleged abuses to the Massachusetts Department of Children and Families (DCF). If any student has any question as to what constitutes child abuse, the student is to contact the school psychologist, adjustment counselor, nurse, or principal.



### **Policy on Restraint of Students**

The Middleborough Public Schools complies with the Department of Elementary and Secondary Education (hereinafter “DESE”) regulations governing the use of restraint, which can be found at 603 CMR 46.00 et seq. (hereinafter “Regulations”). According to their terms, the Regulations apply not only at school but also at school-sponsored events and activities, whether or not on school property. A brief overview of the Regulations is provided below.

**Purpose:** The purpose of this policy is to ensure that every student attending the Middleborough Public Schools is free from the unlawful use of physical restraint. Physical restraint shall be used only in emergency situations of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. School personnel shall use physical restraint with two (2) goals in mind:

- (a) To administer a physical restraint only when needed to protect a student and/or a member of the school community from assault or imminent, serious, physical harm; and
- (b) To prevent or minimize any harm to the student as a result of the use of physical restraint.

1

**Use of Restraint:** Physical restraint shall be considered an emergency procedure of last resort, and shall be prohibited in public education programs except when a student’s behavior poses a threat of assault, or imminent, serious, physical harm to self or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions and/or alternatives or such interventions and/or alternatives are deemed to be inappropriate under the circumstances. Prone restraint is prohibited except in limited circumstances set forth in the 603<sup>2</sup> CMR 46.03. All physical restraints, including prone restraints where permitted, shall be administered in compliance with 603 CMR 46.05.

Physical restraint shall not be used:

- (a) as a means of discipline or punishment;
- (b) when the student cannot be safely restrained because it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting;
- (c) as a response to property destruction, disruption of school order, a student's refusal to comply with a policy or directive, or verbal threats when those actions do not constitute a threat of assault, or imminent, serious, physical harm;
- (d) as a standard response for any individual student. No written individual behavior plan or individualized education program (IEP) may include use of physical restraint as a standard response to any behavior. Physical restraint is an emergency procedure of last resort.

<sup>1</sup> **Physical restraint** shall mean direct physical contact that prevents or significantly restricts a student’s freedom of movement. Physical restraint does not include: brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort. <sup>2</sup> **Prone restraint** shall mean a physical restraint in which a student is placed face down on the floor or another surface, and physical pressure is applied to the student’s body to keep the student in

the face-down position.

Mechanical restraint, medication restraint, and seclusion shall be prohibited in public<sup>3 4 5</sup> education programs. Seclusion does not include a time-out, as defined within the Regulations.<sup>6</sup>

The Regulations do not limit the protection afforded publicly funded students under other state or federal laws, including those laws that provide for the rights of students who have been found eligible to receive special education services.

**Proper Administration of Physical Restraint:** Only Middleborough Public Schools personnel who have received training pursuant to the Regulations shall administer physical restraint on students. Whenever possible, the administration of a restraint shall be witnessed by at least one (1) adult who does not participate in the restraint. Nothing in this policy shall preclude a teacher, employee or agent of the Middleborough Public School from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm. When administering a physical restraint, trained staff shall comply with the requirements regarding use of force, method, duration of the restraint, and safety, as set forth in the Regulations.

**Staff Training:** All school staff must receive training with respect to the district's restraint prevention and behavior support policy and requirements when restraint is used. Training shall include information on the role of various individuals in preventing restraint, the restraint prevention and behavior support policy and procedures, interventions that may preclude the need for restraint, types of permitted physical restraints and related safety considerations, and administering physical restraint in accordance with medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans applicable to an individual student.

Additionally, the school must identify specific staff that are authorized to serve as school-wide resources to assist in ensuring proper administration of physical restraint. These individuals must participate in in-depth training in the use of physical restraint and implementation of the Regulations.

**Reporting Requirements:** Program staff shall report the use of any physical restraint, as required by the Regulations. The staff member who administered the restraint shall notify the principal verbally as soon as possible and in writing no later than the next school working day. The report shall be maintained by the school and made available for review by the Parent(s) or the DESE upon request.

The principal or designee shall make reasonable efforts to inform the Parent(s) of the restraint within 24 hours of the event, and shall notify the Parent(s) by written report within three (3) school working days of the restraint. The information in the report shall be in conformance with

<sup>3</sup> Mechanical restraint means the use of any device or equipment to restrict a student's freedom of movement. <sup>4</sup> Medication restraint means the administration of medication for the purpose of temporarily controlling behavior. <sup>5</sup> Seclusion means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.

<sup>6</sup> Time-out means a behavioral support strategy developed in which a student temporarily separates from the learning activity or the classroom, either by choice or by direction from staff, for the purpose of calming. During time-out, a student must be continuously observed by a staff

member. Staff shall be with the student or immediately available to the student at all times. The space used for time-out must be clean, safe, sanitary, and appropriate for the purpose of calming. Time-out shall cease as soon as the student has calmed.

603 CMR 46.06(4). The written restraint report must be provided to the Parent(s) in the language in which report cards and other necessary school-related information are customarily provided.

The Principal or designee shall review restraint data weekly to determine whether one (1) or more students may have been restrained multiple times during the week. If so, the Principal shall convene one (1) or more teams as deemed appropriate to assess the students' progress and needs, with the goal of reducing or eliminating the need for restraint. The Principal shall also conduct a monthly review of school-wide restraint data and take steps to reduce or eliminate the use of restraint within the school where appropriate.

All physical restraints that result in injury must be reported to DESE. In addition, the district will collect and annually report data relating to the district's use of restraints to DESE.

**Prevention of Dangerous Behavior:** As set forth in the regulations, the Middleborough Public Schools shall develop methods for preventing student violence, self-injurious behavior, and suicide, including individual crisis planning, behavior intervention plans, and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student.

**Parent Engagement:** In accordance with the regulations, the Middleborough Public Schools shall engage Parents in discussions about restraint prevention and the use of restraint solely as an emergency procedure.

**Complaints:** All complaints and questions regarding investigations into restraint practices should be forwarded to the Office of Pupil Personnel Services who can be reached at 508-946-2013.

**Additional information:** Additional information including a copy of the regulations can be obtained from the Office of Pupil Personnel Services who can be reached at 508-946-2013. A copy of the regulations may also be obtained at [www.doe.edu/lawsregs/603cmr46.html](http://www.doe.edu/lawsregs/603cmr46.html).

## VI. HOME-SCHOOL/COMMUNITY PARTNERSHIP

### **BLACKBOARD CONNECT**

Blackboard Connect is an innovative, school-to-home communication system where Parents/Guardians and staff are notified of emergency communications, school system delays or closings and other important announcements from the superintendent and/or principal via telephone. This system can record and send a personalized voice message to all Parents/Guardians with one recorded phone call. The use of the Blackboard Connect system is intended to enhance the communication between home and school. Parents are encouraged to contact school administration with questions or concerns that may arise

### **ACADEMICS**

Teachers create a class policy for assessing students. The teacher's class policy and method of assessment

will be explained to students or an expectation sheet will be distributed at the start of the school year. These policies are based on the standards and achievement of benchmarks as defined in curriculum guides.

### **TEACHER CONFERENCES**

Parent-teacher conferences are scheduled twice during the school year; however, parents/guardians may call the school or email staff to meet or speak with teachers at any time during the school year. Individual conferences with a teacher or a team of teachers can be scheduled. Please contact a teacher, the team, or the student's school counselor to make an appointment.

### **PROGRESS REPORTS/REPORT CARDS**

One academic progress report will be issued during the middle of each trimester (three in total for the year will be issued) to all students in all subjects and/or anytime deemed appropriate by a teacher. These reports will indicate the student's current performance status with regard to grade level standards. All progress reports and report cards (except term 3) must be signed by the parent/guardian and returned to the teacher who issued the report. Failure to return reports may result in a phone call home or an administrative consequence. The team teachers should be contacted if parents have any questions. Students should strive to meet deadlines and be accountable for all assignments.

### **SUMMER SCHOOL**

Registration, transportation, and any costs associated with summer school are the responsibility of parents and students. Families will be notified in late spring if their student is at risk of failing for the year. Summer school runs anywhere from 4-5 weeks in length.

### **HOMEWORK**

The staff at the John T. Nichols, Jr. Middle School recognizes that achievement is directly related to the amount of time and effort a student spends learning to master a subject or skill. Homework is one of the ways of helping students to increase their performance levels and become more self-directed and independent learners. Homework may average 1 to 2 hours per evening. Students are encouraged and expected to:

- Record homework
- Pass homework in on time
- Written work should be neat and legible

### **STUDENT RECORDS**

A parent or eligible student has the right to inspect all portions of the student record upon request. The record must be made available within ten days after the request, unless the parent or student consents to a delay. The parent and eligible student have the right to receive a copy of any part of the record, although the school may charge a reasonable fee for the cost of duplicating the materials. The parent and eligible student may request to have parts of the record interpreted by a qualified professional from the school, or may invite anyone else of their choice to inspect or interpret the record with them. The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are: The right to

inspect and review the student's education records within 45 days of the day the School receives a request for access (Refer to Appendix H for full policy and procedures).

### **School Council**

The School Council is a representative, school building-based committee composed of the principal, five parents, four teachers, and two community members. Establishment of councils in each school is a requirement of the Education Reform Act of 1993. The PTA elects parent members of the School Council. The function of the School Council is to assist the school principal in the following areas: adopting goals that are consistent with local educational policies and statewide student performance standards; identifying the educational needs of students; reviewing the annual school building budget; formulating a school improvement plan. School Council meetings are held in accordance with the open-meeting law. Meeting dates are posted at the Town Hall and on the monthly middle school calendar.

### **Visitors and Volunteers**

All visitors must report to the main office upon arrival, sign in and wear a visitor I.D. for the length of the visit. Middleboro Public Schools shall obtain all available criminal offender record information from the criminal history systems board prior to accepting any person as a volunteer. Any entity or organization obtaining information under this section shall not disseminate such information for any purpose other than to further the protection of children.

### **Fundraising Policy**

The Middleborough School Committee believes the primary function of the town's schools is to educate the youth of the community. All other activities or initiatives must bow to and be relegated to a lesser priority when it comes to the education of students attending the local school. With specific reference to this policy, the school committee's approval of a fundraiser will always be guided by the value of the activity to the mission of public education. Approved fundraisers must have a direct benefit to the development of the student or must support an objective that enhances educational opportunities for the young people attending the Middleborough Public Schools.

### **Teacher Participation**

Assignments are based upon relevancy. Staff members will explain to students how the assignment is related to the topics they are studying; the purpose of the assignment; and the best way to complete the assignment. Assignments will be listed in the same prominent place in the classroom each day for students to copy down.

### **Family Participation**

Insist that your child shows you their assignments each day. Review the assigned work to be done; acknowledge your child's positive attitude to do excellent, complete work; ask to see the work at its completion; praise them for their diligence and performance in addressing their responsibilities. Contact the school to resolve any difficulties or misunderstandings.

**Protocol and Procedure for Home & Hospital Instruction Program**  
**603 CMR 28.03(3)(c) and 28.04(4)**

The Home and Hospital Instruction Program provides on-going educational instruction to students who are unable to attend the regular school day for a period of two (2) weeks (14 days) or longer due to a temporary illness, psychiatric placement, surgery, chronic medical condition or adherence to Chapter 222 regulations. Home/Hospital serves all students (general education and special education) enrolled in the Middleborough Public Schools.

The Home & Hospital Instruction process begins at the student's school in one (1) of several ways: school administrator determination, request by a parent/guardian, or notification from a physician or hospital (for psychiatric or medical reasons).

The Home & Hospital Process takes up to five (5) school days to initiate depending on the situation.

For students who will miss two (2) weeks of school or less, classwork/homework should be provided by the classroom/subject teachers and arrangements should be made with the parents/guardian for these materials to be picked up and dropped off in some manner.

Students who are placed in a psychiatric or medical facility receive tutoring services each day. The facility is responsible for setting up the tutoring (typically thru Education Inc.) and notifying the school department. Once notification is received, the PPS Department will inform the school and request work to be compiled for the student to complete during the hospitalization. This should be completed and ready for the parent/guardian to pick up within two (2) school working days.

Students with chronic illnesses who have recurring home/hospital stays of less than fourteen (14) consecutive school days become eligible for services when such recurrences add up to or are expected to exceed fourteen (14) school days in a school year when need is documented by a physician.

Students who are home-bound and unable to attend school for more than two (2) weeks (14 days) must provide the school with a signed Physician's Statement for Temporary Home or Hospital Education form prior to any services being provided.

For students who will be absent for longer than two (2) weeks, the following procedure should be followed:

1. The school will notify the school's Facilitator of Pupil Personnel Services of all requests received by the school;
2. The Facilitator will discuss each request with the Director of Pupil Personnel. The amount of tutoring services will be determined on an individual basis dependent upon the severity of the student's needs and/or special circumstances; and
3. The school will obtain all required documentation for any and all Home Tutoring requests and submit it to the Office of Pupil Personnel Services within 48 hours of the request having been received by the school.



Required Forms:

1. Signed Physician's Statement for Temporary Home or Hospital Education (28R/3)  
(Not needed for Chapter 222 students)
2. Request for Home & Hospital Instruction
3. Signed Releases of Information for:
  - a. Physician Requesting Home Instruction
  - b. Tutoring Agency, Court, DCF/DYS (If applicable)
4. Master Student Report
5. Middleborough Public Schools' Notification Form (TSN) for Home Instruction

Simultaneously, the school should work on finding an appropriate/licensed tutor for the student. School-based teachers should be asked first, preferably a teacher who knows the student. If there are no available school-based teachers available, the district will contract with Education Inc. Regardless of the provider, the school is responsible for completing a Master Student Report which indicates the subject areas, special assignments, and amount of time required in addition to collecting required texts and materials for the student.

Once all of the required paperwork has been received by the Office of Pupil Personnel Services, notification will be sent to the Superintendent of Schools.

The Facilitator should inform the school (Principal, Nurse, School Counselor, etc.) and the student's parent/guardian of the number of tutoring hours and determine (for students with disabilities) if the TEAM must reconvene to discuss the change in placement and consider evaluation needs. The need for a TEAM meeting is dependent upon the length of the required home-bound instruction (more than sixty (60) school days in any school year). Safety

should be discussed to determine the most appropriate location for tutoring to occur.

Tutoring can take place in the home if appropriate or a community-based location such as the library.

It is the tutor's responsibility to:

1. contact the parent/guardian to schedule tutoring sessions;
2. inform the Facilitator of the scheduled days, times and location of tutoring services;
3. notify the Facilitator of any concerns or issues that may occur (including cancellations, no shows, etc.); and
4. Submit completed work to the school on a weekly basis.

Tutors are Mandatory Reporters of suspected abuse and neglect and must inform the school immediately if they obtain any information regarding the student and/or any individual under the age of 16 years in the student's home. The Tutor, along with a school representative, will work together to file a needed 51A with the Department of Child & Family Services.

Please note the following:

1. Home/Hospital instruction is not considered "special education" unless the student has

been found eligible for special education.

2. Tutoring should not commence until after all of the required paperwork has been completed and approval has been given by the Office of Pupil Personnel Services.
3. In most cases, instruction should commence no sooner than the 11th day of absence and no later than five (5) school working days after the paperwork has been submitted and approved by the Director of Pupil Personnel Services.
4. It is the parent/guardian's responsibility to contact the student's school to request and obtain work to be completed for any illness lasting less than fourteen (14) school days OR for the period of time PRIOR TO the commencement of any approved Home Instruction.
5. Tutoring is only to occur on days that school is in session.
6. Tutoring does not occur during school vacations or the summer break.
7. If the student/parent cancels a tutoring session it will not be made up. Missed hours cannot be "saved" and used as additional hours in the future.
8. If a student misses three (3) tutoring sessions, the tutor should notify the school (Facilitator of Pupil Personnel Services) to discuss issues and concerns and determine the appropriateness of continued services.
9. Home-bound instruction is not intended to assist students in preparing for standardized testing.
10. A new application packet (including a new signed Physician's Statement) is required every school term (each semester or every two (2) quarters).
11. A new application packet (including a new signed Physician's Statement) is required each school year if services will extend into the following school year.

## **VII. INSTRUCTIONAL PROGRAMS/STUDENT PROGRESS**

### **DISTRICT CURRICULUM ACCOMMODATION PLAN (DCAP)**

General education is the door to learning through which all students are expected to enter; it should be the goal of every school district to make the general education environment the appropriate placement for all students. In 2001, Ch. 71 of the Massachusetts General Laws was amended to add Section 38Q1/2. This section requires the adoption and implementation of a district curriculum accommodation plan (DCAP) to assist school principals in ensuring that all efforts have been made to meet students' needs in the general education environment. The DCAP is intended to assist the regular classroom teacher in addressing the diverse learning needs of all students, including those who are gifted and talented, in the general education classroom and in providing appropriate services and support within the general education program. Further, Section 59C of Ch. 71 was amended to require the involvement of the school council in the development and evaluation of the DCAP. Working together, general and special educators can provide professional support to each other to address student learning. Schools can provide a rich curriculum, differentiated instructional practices, and varied programs of services geared to individual needs, including opportunities for strong family involvement and awareness of the educational services available in the school.

School communities must believe and expect that all students can learn because expectations play an important role in student success. The mission of the Middleborough Public Schools is to prepare all students to excel in life. With high expectations comes respect for different approaches to learning, acknowledgement of cultural and linguistic differences, and recognition of the potential effects of disabilities and developmental variations. (Adapted from "Is Special Education the Right Service? A



Technical Assistance Guide”, MA DOE, March 2001)

## **PROMOTION**

Students must demonstrate mastery of skills and academic understanding necessary to be successful in the next grade level to be promoted. Every student is unique and develops at their own rate academically, socially and emotionally. The decision about a student’s promotion is based on the individual’s growth and on the recommendations of teachers, counselors, specialists, and school administrators, as well as standardized testing results, report cards, and the child's potential to achieve. Failure to pass all core academic subjects (English Language Arts, Mathematics, Science, and Social Studies) will result in the student being required to attend summer school. Only two subjects can be made up in summer school. If the student does not successfully complete the summer school program, the student will not be recommended for promotion. Successful completion of a summer program of studies means the student's year end average is raised from a failing grade to a passing grade. Costs associated with a summer studies program, including transportation costs, are the responsibility of the parents/guardians. Parents/guardians are notified in writing at the close of the second trimester if their child is in danger of not being promoted to the next grade. The Principal has the authority to make the final decision regarding the promotion of a student.

## **FIELD TRIPS**

Academic field trips may be held during the school year. Notification, appropriate information, expectations for behavior, and permission forms will be sent to parents in advance of these trips. All eligible students are expected to attend. While it is intended that all students take part in these activities, there may be some instances when certain students may be excluded from a trip. Students whose behavior or attitude is considered to pose a threat to the safety of those involved in the trip and/or whose discipline record indicates insolent, insubordinate, or disruptive behaviors may be excluded. Decisions regarding a student’s participation in a field trip will be made after consultation with the teachers involved in the activity, the student’s school counselor, parents, administration, and the student. The administration will make the final decision. All school rules apply during field trips. Students are reminded they are representing Nichols Middle School and thus should act accordingly. Field trips will vary from team to team. Parents should feel free to call the team teachers if they have any questions or concerns.

## **SPECIAL ACTIVITIES**

### **(field trips, dances, field day events, promotion ceremonies, etc.)**

Students may earn the privilege to participate in special activities through good behavior, good effort in academics, and good attendance. Students who are a discipline concern, or are failing to put forth satisfactory effort in academics, or are habitually absent, may not be able to attend these events. Please know it is our intention to have all our students participate in these activities. All exclusions will be determined by school administration. It is our expectation that students will earn the privilege to participate in all events by practicing our core values –

*Trust, Inclusion, Gratitude, Empathy, Responsibility - every day!!*

## **VIII. STUDENT SUPPORT SERVICES**

### **SCHOOL COUNSELING**

The services and resources of the Nichols Middle School Counseling Department are offered to all students. School Counselors help to enrich personal development and assist with educational and vocational plans. The goal of the Counseling Team is to teach students to be independent and self-sufficient with using coping skills across all settings. Families are welcome to contact a member of the Counseling Department with any related student concerns. Students can request to speak with a counselor via the Counselor Request Form or in person. Counselors will be available to touch base with all students throughout the year in classrooms, the lunchroom and hallways. The Counseling Department will continuously work to make students more self-aware and promote proactive coping strategies that help with their social/emotional development and behavioral growth.

### **CHILD STUDY TEAM (CST)**

The Child Study Team (CST) generally serves as an early intervention team prior to referral for a Special Education Team evaluation. If a student experiences academic failure or has significant difficulty academically, socially, or emotionally, but there is not an immediate suspicion of an educational disability, teachers, grade level teams, guidance counselors, and/or parents may refer students to the CST. The CST is composed of school counselors, school psychologists, the special education facilitator, the school nurse, the school resource officer, school counselors, and NMS administrators. The CST will also consult with the student's team of teachers for relevant information.

The CST may suggest and monitor accommodations or strategies to meet the student's needs within the regular education program. This is considered an instructional support program or intervention. If the student continues to have significant difficulty, despite the intervention of the CST, the CST may choose to refer the student for a Special Education Team evaluation as the next step in the process. The law requires that neither instructional support programs nor any other intervention limits the right of a parent to refer a student for a Special Education Team to consider when determining whether the student is eligible for special education.

### **INDIVIDUAL STUDENT SUCCESS PLANS (ISSP)**

Under state law, students who receive a performance level of warning (failing) on either the MCAS mathematics or English Language Arts tests are required to have an Individual Student Success Plan (ISSP).

- The Child Study Team writes the ISSP for the student. The plan for each student is based on the areas that are identified as needing improvement on MCAS results, and overall student performance at school. The plan will be given to the appropriate teachers. Special education students who scored at the warning level will have an ISSP in addition to their Individual Education Program (IEP) if the goals of the IEP do not address the specific content and areas of need within the content areas identified from the tests.
- Under the Massachusetts General Laws, parents are provided with an opportunity to review the ISSP. The statute does not grant parents the right to contest their child's plan, however, plans are sent home for a signature. There is a place to add any comments or suggestions that would help to improve the student's performance level. Teachers and counselors are available to assist parents in understanding the plan.

- At the end of the year, an evaluation of each student is completed and information is added to the plan. The plan will then be placed in a folder and passed onto the next grade with the student.

### **Section 504**

Section 504 of the Rehabilitation Act, 29 U.S.C. 794(A), is an anti-discrimination statute that prohibits discrimination against people with disabilities, including students, employees, and other member of the school community.

This law applies to all school districts that receive federal funding aid and it covers all programs and activities that the school district offers. The responsibility of the district is to identify, evaluate, and provide appropriate services to those individuals who meet the criteria set forth by the Act.

#### **Who is a disabled person under the law?**

A disabled person under Section 504 and the ADAA:

- Has “a physical or mental impairment that substantially limits one (1) or more major life activities of such an individual, has a record of such impairment; or being regarded as having such an impairment.”

#### **Referral Process:**

A referral may come from parents, professional staff, students, and/or community agencies. A pre-evaluation meeting will be held by the 504 Team to review any previous actions taken to address the concerns and determine whether a request to conduct an evaluation is warranted.

The Nichols Middle School will notify the parents or guardians, in writing, of the school’s reason and intent to conduct an evaluation. The notice will include a description of the evaluation(s) and procedural safeguards.

This process will include an initial determination of whether the problem identified at referral, suggests an impairment of a major life activity. The Team then decides further course of action (i.e. to evaluate or not).

In interpreting evaluation data and making placement decisions, teams shall draw upon information from a variety of sources, including aptitude and achievement test, teacher recommendations, physical conditions, social or cultural background and adaptive behavior.

If the student is found eligible, a 504 Plan will be written and implemented containing accommodations appropriately determined by the 504 Team. Section 504 requires schools to make necessary accommodations, but not substantial or fundamental alterations (modifications) to its programs to allow disabled students to participate or to lower its standards as an accommodation for a student with a disability.

All students are expected to meet the requirements for behavior as set forth in the student handbook. Suspensions of more than 10 days are subject to special rules under Section 504.34 CFR 104.35(a). Under Section 504, students with identified disabilities cannot be expelled or suspended from school for more than 10 school days for misconduct that was a manifestation of

the student's disability. The 504 coordinator, prior to the 10th day of suspension, will hold a manifestation determination meeting.

### **McKinney-Vento Homeless Education Assistance**

The Middleborough Public Schools complies with the Department of Elementary and Secondary Education's advisory criteria of the federal McKinney-Vento Homeless Education Assistance Act. The Middleborough Public Schools shall ensure that every effort is made to comply with this legislation and to ensure that each homeless child or youth has equal access to the same, free, and appropriate public education, including a public preschool education as provided to other children and youth.

The Middleborough Public Schools will:

1. Designate a staff person(s) to serve as the Homeless Education Liaison(s) whose role it is to assist homeless students enroll in school, and to ensure they receive the educational support and services for which they are eligible.
  2. Immediately enroll homeless students in school, even if they do not have the documents usually required for enrollment – such as school records, medical/immunization records or proof of residency.
  3. Ensure that transportation is provided, at the request of the parent, area shelters, agencies, other school districts, guardian or unaccompanied youth, to and from the school of origin.
  4. Afford homeless preschoolers the same opportunity to enroll, attend and succeed in preschool as non-homeless preschoolers, thereby minimizing their educational disruption due to homelessness.
  5. Collaborate with the Department of Child & Family Services and other area agencies to identify and service (1) unaccompanied youth (youth who are homeless and not in the physical custody of a parent/guardian; and not in the custody of a state agency); and (2) children and youth in state care or custody (foster children) who have been placed out of their homes into temporary, transitional, or emergency living placements.
- The Department of Education's Homeless Assistance Office has revised its interpretation of the term "school of origin" under McKinney-Vento. The new Homeless Education Advisory 2015-9 replaces prior advisories 2004-9 and 2007-9A and may be accessed here: <http://www.doe.mass.edu/mv/haa/15-9.html>.
    - o School of Origin - not District of Origin
 

"School of origin" is defined as the school the child or youth last attended when permanently housed or the school in which the child or youth was last enrolled. Under McKinney-Vento, homeless children and youth have the right to choose between continuing to attend their school of origin or enrolling in the local school where they are temporarily residing. However, "school of origin" does not apply to the entire school district where the child last attended.
    - o Children and Youth in State Care or Custody Children and youth awaiting foster care placement fall under the federal definition of homelessness. Therefore, the Homeless Assistance Office has previously held that children and youth placed in Stabilization, Assessment, and Rapid

Reintegration/Reunification (“STARR”) or other temporary, transitional, or emergency placements by the Department of Children and Families (“DCF”) are considered homeless. Homeless Education Advisory 2015-9 clarifies that when children and youth are discharged from such placements, or their stay in such placements exceeds ninety (90) days, the children and youth will now be considered formerly homeless under McKinney-Vento.

6. Adopt the Department of Elementary and Secondary Education’s dispute resolution procedures and forms. In the event of a school selection or enrollment dispute, the students shall immediately be enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parent or guardian shall be informed of the district’s decision and their appeal rights in writing. The MPS’ Homeless Liaison will carry out dispute resolution as provided by state law.

## **X. EXTRA CURRICULAR PROGRAMMING**

### **AFTER SCHOOL**

All students are expected to leave the school at 2:25 PM unless the pupil is remaining after school under the direct supervision of a staff member. Late bus passes are provided by the dismissing teacher and must be completely filled out before boarding the bus. Walkers should leave the school grounds immediately at dismissal or following any after-school activity.

Any student who has made plans to stay after school to attend a function or event needs to be with a teacher until the start of the event. Students who leave the school may return to the athletic event or function accompanied by a parent or guardian. In the event that a parent or guardian is not present, the student will be required to contact them to make arrangements to be picked up immediately. Students are also expected to exhibit good sportsmanship while attending any games. The MIAA policy on sportsmanship applies towards all students while in attendance at all interscholastic sporting events. **All school rules apply after school and during school functions.**

### **EXTRACURRICULAR ACTIVITIES**

There are several after school activities offered to students throughout the school year. Students will be notified well in advance of sign-ups or tryouts for these activities. Students should have parental permission to remain after school. Arrangements should be made prior to the day the student plans on staying. However, if a student is scheduled to report to teacher or administrative detention, the detention supersedes participation in the activity for that day.

### **INTRAMURAL SPORTS PROGRAMS**

The intramural program is varied and is open to all students. The program takes place immediately after school and a late bus is available. At the beginning of each new activity, sign-ups are held in the cafeteria for one week, after which teams are formed and posted in the cafeteria. Students will be issued a game schedule for each activity and may only stay after school on their designated days. Only students who have returned their completed “Parent Permission, Release, and Indemnification Agreement” and physician’s forms will be allowed to participate.

## **STUDENT COUNCIL**

Student Council is an opportunity for students to participate in the process of government through meetings, committees, and service learning. At meetings, students vote, practice the rules of Robert's Law, and are encouraged to discuss topics that will benefit the school environment. Four student officers, elected by their peers, run the meetings. Committees plan dances, plan ski trips, organize fundraisers, etc., and allow students to choose the activities they would like to endorse with their time. Service learning provides opportunities for students to work within both the school and the community. Past projects have included Walk for Colleen water stop, Penny Drive (over \$3,000 raised for local charities), Valentines for the Oak Hill Nursing Home, and cleaning the school.

## **DRAMA CLUB**

The NMS Drama Club presents a musical annually in January. All students are welcome in the drama club to perform on stage or work behind the scenes. Students who wish to be in the drama club must be able to commit to regular after school rehearsals from September to January and all of the performance dates in January. (Specific information will be provided at an after school meeting at the beginning of the school year. Students are encouraged to listen to the morning announcements for updated information.)

## **BUILDERS CLUB**

The Builders Club is a community service organization for/middle school students, sponsored by the Middleborough Kiwanis Club. The club provides students with opportunities to work in a group with fellow students and faculty advisors in service to the Nichols Middle School and the Town of Middleborough. In addition, the club strives to develop leadership skills, build strong moral character, and encourages students to be loyal to their school, community, and country. The Builders Club has weekly after school meetings, and has participated in recycling projects; food drives for animal shelters, school clean-ups, and assisted with school drama productions. All Nichols students are welcome to join the Builders Club.

## **YEARBOOK**

The yearbook is a reflection for all students of each year at Nichols. An announcement will be made at the start of the school year for those who wish to join the yearbook staff.

# **X. CODE OF CONDUCT**

## ***DISCIPLINARY GUIDELINES & POLICIES***

The atmosphere of a school is a reflection of the attitude of its students and staff toward the school and toward each other. It is of equal concern that we achieve an atmosphere of order, self-discipline and mutual respect. It is our hope that school can be administered without threats of disciplinary action. However, we realize that a disciplinary code with appropriate progressive discipline is necessary. With progressive discipline, consequences increase upon repeat occurrences. In some circumstances, discipline may be accelerated at the discretion of the administration when the student's conduct is sufficiently serious to warrant greater discipline. While this is not an exhaustive list, our code includes the following:

- Teacher Redirection/Warning
- Parental Notification



- Teacher Detention
- Administrative Detention
- Community Service
- Restorative Justice
- In-School Suspension
- Out of School Suspension
- Expulsion

The discipline code at Nichols Middle School is administered within the guidelines set forth by the U.S. Supreme Court as well as the DESE with regard to due process for students. The handbook is distributed at the beginning of every year to every student. It is the expectation of the administration and the school system that parent(s)/guardian(s) and students will read the handbook. Student assembly programs and community awareness sessions are advertised through the local media. Students and parents/guardians are responsible for raising any questions that they may have regarding this handbook and its provisions with the school administration. Even if the student does *not* sign the acknowledgement form included with the distribution of this handbook, such presumption is made.

**Level 1 Infractions:** Failure to be in assigned area, leaving assigned area without permission, cutting class, excessive school tardiness, failure to attend assigned teacher detention, referral to an administrator for disruptive or inappropriate behavior in class or out of class, violation of the dress code and/or Acceptable Use Policy or Cell Phone policy, pass violations, academic dishonesty, using gang references, disrupting the educational process resulting in removal.

- **Discipline will range from:** Warning to possible school suspension.

**Level 2 Infractions:** Leaving school grounds without permission, truancy, insubordination, forgery of school-related documents, gambling, failure to attend administrative detention, possession or use of non-drug related contraband, vulgar or obscene language or gesture, possession and/or use of tobacco products, including e-cigarettes, e-cig paraphernalia, and vaping devices (State Law, tobacco products), Disrespect to persons of authority by word or action, fighting, bullying, intimidation, inappropriate use of technology, threatening behavior, vandalism/graffiti, theft of school or personal property, extortion, nonconformity to school rules, repeated level one violations.

- **Discipline will range from:** Possible short term suspension; possible law enforcement notification, possible court involvement.

**Level 3 Infraction:** Hazing, possession or use of alcohol or a controlled substance, weapons (MA Education Reform Act 1993), replica weapons, incendiary devices, or explosives, under the influence of alcohol or a controlled substance, possession of drug paraphernalia, pulling false fire alarms, calling 911, pushing the emergency button on the elevator, tampering with fire extinguishers, arson, bomb threats, sexual/religious/ethnic/racial harassment, assault on another student, assault on school personnel (MA Education Reform Act 1993), threats against a staff member, threats to public safety, any other illegal acts, repeat level two violations

- **Discipline will range from:** Possible suspension from school, including a long-term suspension, and possible expulsion for MA Education Reform offenses, law enforcement officials may be

notified, possible court action.

**Quiet Room:**

If a student continues to disrupt the learning environment in a classroom after being spoken to about the inappropriate behavior, the teacher may send the student to the main office. The student will sit in the quiet room, fill out a reflection form, and wait to meet with school administration.

**TEACHER DETENTION (TD):** Students are subject to teacher detention for behavioral and/or academic issues for a day or number of days specified by the teacher. Teacher detention starts immediately after the 2:25 P.M. dismissal bell and ends at 3:40 P.M. Failure to stay for an assigned teacher detention will result in a disciplinary hearing with a parent and administration. Detentions are expected to be served on the day assigned unless extenuating circumstances arrive. Teachers may keep students after school for class disruptions, non-compliance with classroom rules and expectations, or any academic need provided parents are notified.

**ADMINISTRATIVE DETENTION (AD):** Students are subject to administrative detention for inappropriate or disruptive behavior. This includes behaviors to and from school, during the school day, or at any school function. Students are assigned detention for a number of days determined by an administrator based upon the seriousness of the offense. Students who have AD are to report to the detention room immediately upon dismissal at 2:25 P.M. Detention ends at 3:40. Detentions are expected to be served on the day assigned unless extenuating circumstances arrive.

- Students are expected to go to detention prepared with materials to work. While in administrative detention, students are expected to do school work or read books. Misbehavior in administrative detention will result in a hearing with school administration and a parent. A student missing administrative detention without a valid reason from a parent or a teacher may be suspended.
- If a student is sent to the office from a classroom or is written up, the teacher contacts the parent regarding the incident (phone contact). When students are assigned AD, the student will then contact parents in the office to explain the nature of the detention.

**IN-SCHOOL SUSPENSION:** Students who violate the code of conduct may be subject to their suspensions being served in school rather than out of school, subject to the determination of administration. Students who are given a suspension in school will report to school on time, with school supplies, and report to the main office. The in-school suspension supervisor will collect work due for that student, and ensure they are completing it. Students who do not satisfactorily complete in-school suspension, whether it be because of behavior, not completing work satisfactorily, or being late for school, will be subject to further discipline, including the possibility of additional days being assigned, or serving the suspension out of school.

**HARASSMENT:** Nichols Middle School strives to maintain an environment free from all forms of harassment and discrimination. All members of the school community are expected to act in an appropriate manner and to show respect for others. Harassment includes repeated remarks, gestures, physical contact, bullying, verbal, or physical intimidation, and the display or circulation of materials derogatory to race, ethnicity, religion, age, gender, sexual orientation, and all disabilities. Students who



feel they have been subjected to harassment should immediately report the incident to a staff member. Harassment can result in suspension, legal action, or other disciplinary action.

**SEARCH AND SEIZURE:** Searches may be conducted based on reasonable suspicion including personal observation or a report, that a school rule has been violated. The search is conducted in a manner appropriate to its objectives and not excessively intrusive to the age and sex of the student. Searches are conducted by a school administrator with additional staff members present. Parents will be notified that their child has been involved in a search. If a student refuses a search by school administration, the administrator may infer that the search would lead to evidence of a violation or other contraband.

**OUT-OF- SCHOOL SUSPENSION (OSS):** Students who have been suspended out of school will be allowed to make-up the work missed. During the time of the school suspension, a student may NOT be on school grounds. OSS will be in effect for twenty-four hours for each day of suspension. Parents will be afforded the opportunity to attend a hearing with a school administrator prior to the suspension, and in some cases attend a re-entry meeting. Short term suspensions (10 days or less) require an informal hearing, in contrast to longer term suspension (more than 10 days) which requires a more formal hearing. (See Appendix J)

**DISCIPLINARY APPEALS PROCESS:** Students and parents/guardians will be provided an opportunity to appeal disciplinary decisions to the principal (if the disciplinary decision is issued by the assistant principal) or to the superintendent (if the disciplinary decision is issued by the principal). Upon effective date of the suspension, the student will have five calendar days to request an appointment with the appropriate school official, with the possibility of an extension of up to 7 calendar days, if requested. Appeals shall be held within 3 school days of the request, with the possibility of a 7 calendar day extension upon parent request. An appeal decision shall be rendered within 5 calendar days of the hearing and shall be done in writing. Note, however, that specific appeals procedures for disciplinary decisions issued pursuant to M.G.L. c. 71, section 37H or 37H.5 are provided for in our appendix.

**DUE PROCESS:** Due process is the protection of rights. All students are entitled to full consideration and protection under the law, particularly concerning suspension and expulsion. The due process procedure assures that every aggrieved student receives oral or written notification of any charges and a fair hearing and judgment.

**ABUSE OF ALCOHOL OR CONTROLLED SUBSTANCE POLICY:** In order to safeguard the individual and general welfare and safety of all students, Nichols Middle School has zero tolerance for dealing with drug, alcohol, or other controlled substance cases. No one may possess, be under the influence of, distribute, sell, or ingest a controlled substance or look-alike substance on any school premises or while attending an authorized school related activity.

This includes prescription and non-prescription (over the counter) drugs.

- Referrals may be made by any staff member (teachers, secretaries, custodians, etc.) to a building administrator who may consult other administrators, school nurses, and/or superintendent of schools.
- Suspicion of being under the Influence of a Controlled Substance:
- Parent/guardian called to take student home
- Letter to parent/guardian-copy placed in student's file

- Immediate suspension from all school programs
- Parent/guardian must confer with the school administration before pupil will be readmitted
- Possible referral to a rehabilitation program
- Notification of local police department
- Notification of Superintendent
- Use of Controlled Substance While in School, or Prior to Coming to School or at a School Sponsored
- Activity or Possession or Selling or Distribution of Controlled Substances:
- Parent/guardian called to take student home
- Letter to parent/guardian-copy placed in student's file
- Immediate suspension from all school programs
- Referral to superintendent of school for consideration of further disciplinary action (possible expulsion)
- Parent/guardian must confer with the school administration before the pupil is readmitted
- Possible referral to a rehabilitation program
- Notification of local police department

### **Discipline Procedures for Students with Special Education Services**

All students are expected to meet the requirements for behavior as set forth in the student handbook. Individuals with Disabilities Act 2004 requires that additional provisions be made for students who have been found by an evaluation team to have special needs and whose program is described in an Individual Education Program (IEP). The following additional requirements apply to the discipline of special needs students:

1. The Special Education office will regularly update Aspen so principals have accurate lists of special education students.
2. A suspension log for all special needs students will be maintained by each principal. The log will record the number and duration of any suspensions from any part of the student's IEP, including specialized transportation. Suspension is defined as, "any break in service." Every suspension must be for a specified amount of time.
3. On a regular basis the suspension log will be reviewed by administration or the Child Study Team (CST). When it is known that the suspensions of a special needs student will result in removal for more than ten days in a year, the Team will implement the procedures identified below. These procedures will also be implemented if there is a change of placement. A change of placement occurs when:
  - a. a student is suspended for more than 10 consecutive school days.
  - b. a student has been suspended for a series of suspensions that accumulate to more than ten days and these suspensions constitute a pattern. If the length of each removal, the total amount of time removed, and the proximity of the removals lead one to conclude that there has been a change in placement, then a pattern has been established.
4. Prior to the 11th day of suspension or prior to a suspension that constitutes a change in placement, the Team will convene to:
  - a. discuss the completion of a Functional Behavioral Assessment (FBA). The FBA will result in the development of a Behavior Intervention Plan (BIP). If a BIP is already in place, the Team must meet to review and then potentially adjust the BIP.
  - b. complete a Manifestation Determination (MD) by:
    1. reviewing all relevant information, including the student's file, the IEP,

- teacher observations, and parent/guardian input, and
2. making a decision as to the relationship between the student's disability and the student's behavior. The Team must determine the following:
  - a. if the behavior was caused by, or had a direct and substantial relationship to, the child's disability; or
  - b. if the behavior was the direct result of the LEA's failure to implement the IEP.
5. If the Team determines that either the behavior was caused by the student's disability or the LEA's failure to implement the IEP, or if there is a direct and substantial link between the student's behavior and their disability, then the behavior is determined to be a manifestation of the student's disability.
6. If the behavior is determined to be a manifestation of the student's disability, the Team must conduct a Functional Behavioral Assessment (FBA) if one has not already been completed. The FBA will result in the development of a Behavior Intervention Plan (BIP). If a BIP is already in place, the Team must meet to review and then potentially adjust the BIP. The LEA and the parent/guardian may agree to a change of placement as part of the BIP. Otherwise, the student must return to the placement from which the student was removed unless "special circumstances" exist.
7. If the Team determines that the behavior is not a manifestation of the disability, then the student may be disciplined consistent with the school's code of student conduct. The Team must identify appropriate alternative education services during all periods of suspension beyond ten days.
8. "Special Circumstances"  
Regardless of the MD, the student may be placed in an Interim Alternative Educational Setting (IAES), determined by the Team, for up to 45 school days, if at school, on school premises or at a school function, the student:
  - a. carries or possesses a weapon. (also includes "to" school)
  - b. knowingly possesses or uses or sells or solicits the sale of illegal drugs.
  - c. inflicts "serious bodily injury" upon another person. Serious bodily injury is defined as "bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty."
9. The principal will notify the parent/guardian the day the decision is made to change a student's placement and of all relevant procedural safeguards.
10. A student placed in an IAES must still continue to receive FAPE. In addition, the Team must conduct a Functional Behavioral Assessment (FBA) if one has not already been completed. The FBA will result in the development of a Behavior Intervention Plan (BIP) in order to prevent the behaviors from recurring. If a BIP is already in place, the Team must meet to review and then potentially adjust the BIP.
11. Appeals:
  - a. If the parent/guardian disagrees with the placement decision or the manifestation determination, the parent/guardian may request a hearing. The LEA shall arrange for an expedited hearing. While an appeal is pending, the parent/guardian and the LEA may agree to another placement, or the student remains in the IAES.
  - b. The LEA may request a hearing if it is believed that maintaining the student's current placement is "substantially likely to result in injury to the student or others." The hearing officer may either return the student to the previous placement or order a change in placement to an IAES not to exceed 45 days.
  - c. Placement during appeals:
    1. The student shall remain in the IAES for the duration of the imposed discipline or until the decision of the hearing officer, whichever occurs first.
    2. All hearings on disciplinary issues must be expedited.

12. IDEA protections apply to non-special education students if the district had knowledge that the student had a disability prior to the disciplinary infraction. "Knowledge" is when prior to the behavior that caused the disciplinary action,
  - a. a parent/guardian has expressed a concern in writing to supervisory or administrative personnel or the teacher of the student.
  - b. the parent/guardian has requested an evaluation.
  - c. a member of school staff expressed "specific concerns about a pattern of behavior" of the child to the special education administrator or other supervisory personnel.
13. The following are exceptions to IDEA protections applying to non-special education students. In these cases the district is deemed to have no knowledge of a disability:
  - a. If the district had evaluated the student and found no eligibility.
  - b. If the parent/guardian has not allowed an initial evaluation.
  - c. If the parent/guardian has refused special education services.
14. If a request for an evaluation is made while the student is subject to discipline, the evaluation must be done in an expedited manner and the student remains in a placement determined by school officials

Should Parents/Guardians have any questions about the discipline procedures for students with disabilities, please contact the Special Ed Coordinator for the John T. Nichols Middle School 508-946-2020.

**DISCIPLINING OF STUDENTS WITH SPECIAL NEEDS:** The Individuals with Disabilities Education Act (IDEA) and related regulations provide eligible students with certain procedural rights and protections in the context of student discipline. The Individual Education Program for a student must indicate whether the student can be expected to meet the regular discipline code of the school or whether the code should be modified due to the student's disability.

- Special education students may be excluded from their programs, as any other students can be, for up to ten school days per year. When a special education student is excluded from their assigned program for more than ten school days in the school year, a functional behavioral assessment must be done by members of the student's TEAM. The TEAM must review the functional behavioral assessment and develop a plan. The TEAM also may be required to determine whether the student's behavior was related to the student's disability (a manifestation determination).
- If the TEAM determines the behavior was not related to the student's disability, the school may discipline the student according to the school's code of student conduct, except that the district must continue to provide the student with educational services during the period of suspension or expulsion. If the TEAM determines that the behavior was related to the disability, the student may not be excluded from the current educational placement (except in the case of weapons or drugs) until the TEAM develops and the parent consents to a new IEP.
- In the event a student possesses, uses, sells or solicits a controlled substance or possesses a weapon at school or a school function, the school may place a student in an interim alternative education setting for up to 45 days. Hearing officers may also order the placement of a student in an appropriate interim setting for up to 45 days upon determination that the current placement is substantially likely to result in injury to the student or others.

- If a parent disagrees with the TEAM’S decision on the “manifestation determination” or with a decision regarding placement, the parent has the right to request an expedited due process hearing from the Bureau of Special Education Appeals.

## **CHAPTER 150. AN ACT RELATIVE TO WEAPONS CARRIED ON SCHOOL GROUNDS**

Whoever not being a law enforcement officer, and notwithstanding any license obtained by them under the provisions of chapter one hundred and forty, carries on his person a firearm or hereinafter defined, loaded or unloaded, in any building or on the grounds of any elementary or secondary school, college or university without the written authorization of the board or officer in charge of such elementary or secondary school, college or university, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. For the purpose of this paragraph, "firearm" shall mean any pistol, revolver, rifle, or smoothbore arm from which a shot, bullet, or pellet can be discharged by whatever means.

## **CHAPTER 269 Section10(j) POSSESSION OF A WEAPON**

Pursuant to M.G.L. Chapter 269 Section 10(j), the possession of a firearm or other dangerous weapon in any building or on the grounds of a secondary school is a crime punishable by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. This is a serious breach of school regulations and will result in suspension, police will be notified, and the person/student will be arrested and prosecuted. Refer to Appendix B, MGL, Section 37H regarding expulsion proceedings. The Superintendent of Schools will be notified.

## **CHAPTER 622. DISCRIMINATION**

Chapter 622 of the Massachusetts General Laws, an act prohibiting discrimination in school reads as follows: “No person shall be excluded from or discriminated against admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, national origin, age, sex, religion, gender identity, or sexual orientation, homelessness, or disability.”

## **DRESS CODE**

The dress code is governed by health, safety and appropriateness. We encourage students to dress in a neat and presentable manner that reflects pride in themselves and their school. School is a workplace, and an environment conducive to learning is necessary. Clothing that is too revealing causes distractions and inhibits learning is not allowed. We expect all students to conform to the following:

- Clothing must be neat and clean.
  - Clothing that is excessively revealing, such as mini-skirts, short shorts, tank tops with shoulder straps under three inches, muscle shirts, pajamas or other sleepwear, loose fitting and low-cut tops, waistbands that are too low exposing underwear, and shirts which reveal the midriff, will not be allowed.
  - Tank tops or basketball shirts must have a t-shirt underneath.
  - Chains, chain belts, spikes, studs, and gang related attire is not allowed.
  - Clothing with alcohol, tobacco, vulgar writing, sexual references or controlled substance

reference will not be allowed.

- Outer coats, hats, caps, bandanas, sweatshirt hoods, and sunglasses will not be worn in the building without permission of an administrator.
  - Wheeled shoes and platform shoes are dangerous on our floors and not allowed. •
- Blankets or other clothing that drapes down or is considered a tripping hazard will not be allowed.
- Clothing must not state, imply, or depict hate speech or imagery that target groups based on race, ethnicity, gender, sexual orientation, gender identity, religious affiliation, or any other classification.
  - Any other apparel that the administration determines to be unacceptable to our community standards will not be allowed.

If students wear something inappropriate to school, they will be asked to call their parent/guardian to request that more appropriate attire be brought to school. Repeated violations of the dress code will result in disciplinary action.

### **TRANSPORTATION**

Riding the bus is considered a privilege designed to provide safe and expedient transportation to and from school. **Due to the large number of students riding the buses, no students are permitted to change regularly scheduled transportation.**

In an emergency, the parent/guardian wishing to change the child's regular bus or bus stop must:

- Contact the school by phone
- Send a dated note that includes:
  - o **Child's first and last name**
  - o **Regular bus number**
  - o **Reason for bus change**
  - o **New bus number or new stop**
  - o **Telephone number where parent/guardian can be reached during the day** These notes need to be sent to the main office during homeroom for review.

**Late buses are provided Tuesday, Wednesday, and Thursday afternoons for students.** Students report to the cafeteria at 3:40 P.M. to sign the bus log sheet and wait for buses. Buses depart NMS at approximately 3:45 P.M. late buses take a different route each day depending upon the addresses of the students on any given day. **NOTE:** The late bus may drop off students up to a mile away from the student's house.

Any conduct that may distract the driver and, thus, interfere with the safe operation of the bus on any route, is prohibited. The bus driver will report such conduct and students will be subject to disciplinary action. The same rules and regulations regarding the behavior of students in school apply to the behavior of students on the buses. In addition, school bus rules will be posted in each bus and distributed to students at the beginning of the year.



## **XI. APPENDICES/MA LAW/SCHOOL COMMITTEE POLICIES**

### **NO CHILD LEFT BEHIND ACT OF 2001(NCLB) GOALS**

**Goal 1.** All students “proficient” or “advanced” in reading/English Language Arts and mathematics by 2013-2014.

**Goal 2.** All limited English proficient students “proficient” in English and reaching high academic standards in core subjects.

**Goal 3.** All students are taught by highly qualified teachers by 2005-2006.

**Goal 4.** All students educated in learning environments that are safe, drug-free, and conducive to learning.

**Goal 5.** All students graduate from high school.

### **HIGHLY QUALIFIED TEACHERS (NCLB)**

**Compliance with P.L. 107-110, Section 1111(h)(6)(A)** The Federal *No Child Left Behind* Act of 2001 requires school districts that receive federal Title I funding to notify parents of their right to know the professional qualifications of the classroom teachers who instruct their child. As a recipient of these funds, Middleborough Public Schools will provide this information in a timely manner if requested; however, please note that Nichols Middle School is not classified as a Title I school. Specifically, parents have the right to request the following information about each of the child's classroom teachers in a Title I school:

- Whether the teacher meets the state qualifications and licensing criteria for the grades and subjects they teach.
- Whether the teacher is teaching under emergency or provisional status because of special circumstances.
- The teacher's college major, whether the teacher has any advanced degrees, and the field of discipline of the certification or degree. Whether paraprofessionals provide services to the child and, if so, their qualifications.

The Middleborough Public Schools district is committed to providing quality instruction for all students and does so by employing the most qualified individuals to teach and support each student in the classroom. The second "right to know" provision centers on notifying parents in Title I schools when their child is taught for four or more weeks by a teacher who is not highly qualified. The Middleborough schools shall provide each individual parent timely notice that their child has been assigned or has been taught for four or more consecutive weeks by a teacher who is not highly qualified. This provision of the law requires that all schools that receive Title I funds - regardless of whether the school has a school-wide or targeted assistance program - must provide this notification to **every parent in the school** whose child is being taught for four or more weeks by a teacher who is not highly qualified regardless of whether or not the teacher is being paid with Title I funds.

### **AN ACT TO PROTECT CHILDREN AND FAMILIES FROM HARMFUL PESTICIDES**

Pesticides shall not be applied indoors while children are on the property, except for anti- microbial



pesticides such as bleach; rodenticides placed in tamper resistant baits; insecticidal baits; ready- to-use dusts, gels, or powder formulations; and certain lower risk pesticides. Until November 1, 2001 other pesticides can be applied indoors when children are NOT present on the property. Pesticides shall not be applied on the outdoor property of a school, day care center or school age child care program while children are located in, on or adjacent to the area of the pesticide application.

All parents, staff, and children will have to be provided with standard written notification of any pesticide application that is made outdoors on school property. The notification will also have to be posted in a common area. The information to be contained in the standard written notification will be obtained from the licensed pesticide applicator that performs the work.

### **CHAPTER 209A. AN ABUSE PREVENTION ORDER**

An Abuse Prevention Order, sometimes called a “209 A order” “protective order” or “restraining order”, is a civil court order that seeks to provide protection from physical or sexual harm caused by force or threat of harm from a family or household member. The Abuse Prevention Order has recently been expanded to include substantive dating relationships. Unless there are specific conditions excluding contact on school grounds or in specific classes from the terms of the order, a 209A order must be obeyed by the abuser during school hours and on school grounds. A violation in any way of certain terms of a Temporary or Permanent 209 a Protective Order is a criminal offense and the proper authorities will be notified. Once the school is notified that a Protective Order exists between students, a separate meeting will be scheduled by administration, with each student involved to review the order and outline the steps that will be taken by the school to implement the order. A “Safety Plan” will be established with the victim to address the students needs, including “Safety Stops”, and staff to report to if concerns arise or a violation occurs. Schedule changes and other adaptations such as changes of lockers, seating assignments, etc. may need to be made to avoid face-to-face contact with the defendant. In such cases, the victim’s schedule will be accommodated, not the abuser’s. The local police will be notified immediately if it is believed that any violation has occurred.

### **MOA 24 – Civil Rights**

The district ensures that individual teachers in the district review all educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, religion, national origin, gender identity, and sexual orientation. Appropriate activities, discussions, and/or supplementary materials are used to provide balance and context for any such stereotypes depicted in such materials.

### **TITLE IX (CIVIL RIGHTS)**

Title IX of the Federal Education Amendment of 1972, requires nondiscrimination on the basis of sex, color, race, religion, national origin, gender identity or sexual orientation in its education programs, activities or employment policies as required by Title IX of the 1972 Education Amendments. Inquiries regarding compliance with Title IX may be directed to the Director of Pupil Personnel Services, 112 Tiger Drive, Middleborough, MA 02346, (508) 946-2013 or to the Director of the Health, Education and Welfare, Washington, D.C.

## **APPENDIX A**

**MIDDLEBOROUGH PUBLIC SCHOOLS – NOTICE OF EQUAL OPPORTUNITY:** The Middleborough Public Schools reaffirms that they do not discriminate on the basis of race, color, religion, sex, national origin, age, disability, gender identity, or sexual orientation in: admission to, access to, treatment in, or employment in, its program or activities. Consistent with M.G.L. Chapter 76, Section 5, the Middleborough School District also affirms the commitment to maintain a school and work environment free of harassment based on race, color, religion, sex, national origin, age, disability, gender identity, or sexual orientation. Any harassment on the basis of race, color, religion, sex, national origin, age, disability, gender identity, or sexual orientation will not be tolerated and will be punishable to the full extent of the law. If you should have any questions about the district's policy, please feel free to contact the Pupil Personnel Director. Who has been designated to respond to your inquiries and to be the district's Equal Opportunity, Title IX, Section 504, and Americans with Disabilities (ADA) Coordinator. The Pupil Personnel Director can be reached at (508) 946-2013.

If you should have a complaint or concern that there has been discrimination, you may also utilize the following procedure:

Report the violations to any staff member in the Middleborough Public Schools. The individual will notify the building principal. The building principal will meet with you and other persons who might have information about the issue promptly and will attempt to resolve the issue. Any additional investigation will be commenced by the school district investigators in each area, within a reasonable period. The building principal will issue a decision in writing to you within ten (10) days of the conclusion of the investigation.

If the complaint is not resolved, it can then be appealed to the district's Equal Opportunity, Title IX, Section 504, ADA Coordinator. This appeal must be in writing, describe the circumstances, and the relief you seek. This appeal should be taken within one week after receipt of the principal's decision. The Equal Opportunity, Title IX, Section 504, ADA Coordinator will meet with you within a reasonable time. Following a review of the materials presented to the principal and any additional investigation which will be conducted promptly, the Coordinator will make a final determination on whether there has been a violation of the district's policy within ten (10) days after the conclusion of any additional investigation. If there has been a violation, the Coordinator will indicate the steps to be taken to correct it.

Inquiries concerning the application of nondiscrimination policies may also be referred to the Regional Director, Office for Civil Rights, U.S. Department of Education, 33 Arch Street, Suite 900, Boston, MA 02110-1491. February 2008

**LEGAL REFS** Title VI, Civil Rights Act of 1964 Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 Executive order 11246, as amended by E.O.11375 Equal Pay Act, as amended by the Education Amendments of 1972 Title IX, Education Amendments of 1972 Rehabilitation Act of 1973 Education for All Handicapped Children Act of 1975 M.G.L. 71B;1 et seq. (Chapter 766 of the Acts of 1972) M.G.L. 76:5; Amended 1993 M.G.L. 76:16 (Chapter 622 of the Acts of 1971) Board of Education Chapter 622 Regulations Pertaining to Access to Equal Education Opportunity, adopted 6/24/75, as amended 10/24/78 Board of Education 603 CMR 26:00 Board of Education chapter 766 Regulations, adopted 10/74, as amended through 3/28/78

CROSS REFS ACA-ACE Subcategories for Nondiscrimination GBA, Equal Opportunity Employment JB, Equal Educational Opportunities JJIB, Interscholastic Athletics

## **APPENDIX B**

### **MIDDLEBOROUGH PUBLIC SCHOOLS INTERNET AND NETWORK ACCEPTABLE USE POLICY (For Students grades 6-12)**

#### **I. ACCEPTABLE USE**

The Middleborough Public School system provides Internet access for students and staff for educational purposes to transform teaching and learning. The Middleborough Public Schools expects that students and staff will use this access in a manner consistent with this purpose. The Middleborough Public Schools encourages the use of technology to assist staff and students with academic success, preparation for the workplace and lifelong learning therefore ensuring that students develop 21<sup>st</sup> century skills. Users are digital citizens and use information and technology in safe, legal, and responsible ways. Digital Citizens follow these guidelines:

##### **Digital Citizenship-Respect**

**Respect yourself** by selecting and posting appropriate names, images, and information online. Keep personal details (name, address, and phone numbers), personal schedules, and contact information private.

**Respect Others:** Do not bully, stalk, or harass anyone. Abuse and inappropriate use of technology must be reported. Do not share personal account information with anyone, use an account that belongs to someone else, or leave your account open and unattended. Do not edit or delete files belonging to someone else. Do not post photos of any person without their express permission. Images of confidential materials such as tests are prohibited.

**Respect intellectual property** by citing all sources including websites, books, and media produced by others, including graphics and music.

##### **Digital Citizenship –Responsibility**

Users are expected to be respectful and ethical. Each user represents Middleborough Public Schools and will communicate with language and gestures that are appropriate and not profane, racist, sexist, or discriminatory.

##### **Digital Citizenship- Integrity**

Access to the Internet, other electronic resources and the hardware is a privilege, not a right, and carries with it responsibilities for safe and respectful use.

Using district-owned technology equipment outside of the school day constitutes an extension of the school day, similar to a field trip or sporting event. Users are expected to adhere to rules outlined in the school and faculty handbook and district policies.

Because information technology is constantly changing, not all situations can be anticipated or addressed in a policy. All users are expected to understand and comply with both the "letter" and the "spirit" of this policy and show good judgment in their use of these resources.

See Nine Themes of Digital Citizenship for more information at [http://digitalcitizenship.net/Nine\\_Elements.html](http://digitalcitizenship.net/Nine_Elements.html)

Middleborough Public Schools filters the Internet in compliance with the Children's Internet Protection Act (CIPA). The combination of the filter, appropriate student use, and teacher supervision ensures safe access to the Internet. However, we still cannot guarantee that your child will not find material on the Internet that may be considered objectionable. Student use of the network is restricted to educational purposes only. Personal electronic devices are subject to the same restrictions.

## II. UNACCEPTABLE USE

The following is a list of prohibited behaviors. The list is not exhaustive but illustrates unacceptable uses of the Middleborough Public Schools Internet Service.

- Using the Internet to bully. This includes bullying through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying creates a hostile environment at school for the target, infringes on the rights of the target at school or materially and substantially disrupts the education process or the orderly operation of a school in accordance with Chapter 92 of the Acts of 2010. Please see <http://www.mass.gov/legis/laws/seslaw10/sl100092.htm> and the Middleborough Public Schools Anti-bullying policy for a definition of bullying and more information.
- Using the Internet service for any illegal activities such as gaining unauthorized access to other systems, arranging for the sale or purchase of drugs or alcohol, participating in criminal gang activity, threatening others, transferring obscene material;
- Vandalizing school computers by causing physical damage, reconfiguring the computer system, attempting to disrupt the computer system, or destroying data by spreading computer viruses or by any other means;
- the use of anonymous proxies to get around content filtering is strictly prohibited and is in direct violation of this agreement and CIPA.

## III. BLOGGING/PODCASTING

The use of blogs, podcasts or other Web 2.0 tools is considered an extension of the classroom. Whether at home or in school, any speech that is considered inappropriate in the classroom is also inappropriate in all uses of blogs, podcasts, or other web 2.0 tools.

## IV. CARE OF EQUIPMENT

Users are responsible for the care of any physical technology equipment, including but not limited to tablets, cables, servers, computers and printers. Broken or damaged equipment should be reported to the technology office immediately.

Technology equipment should never be left unattended or in an unlocked locker. Users should not loan technology equipment signed out to them to another student, teacher, friend or family member.

## V. INTERNET SAFETY

Use of the Internet has potential dangers. Users are encouraged to visit the website of the Massachusetts Plymouth County District Attorney's Office regarding Internet safety. Internet Safety Tips are available online at <http://www.mass.gov/da/plymouth/protection/tipskids.html>.

Things You Never Should Do:

- Never, ever, agree to get together with someone you "meet" online.
- Never give out your personal information, including your age!
- Never send pictures of yourself, your friends, your family or any other personal material to a friend you meet online
- Never give your email address to anyone on the Internet without first asking permission of your parents

Beware that people online may not be who they seem! ***Because you can't see or hear a person who is online, it's easy for them to pretend they are someone they are not!***

## VI. PRIVACY

- Users should not have an expectation of privacy or confidentiality in the content of electronic communications or other computer files sent and received on the school computer network or stored in the user's directory or on a disk drive.
- The Administration of the Middleborough Public Schools reserves the right to examine all data stored on district-owned storage media involved in the user's use of the Middleborough Public School System Internet or Network service.
  - Internet messages are public communication and are not private. All communications including text and images may be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver. Network administrators may review communications to maintain integrity system-wide and ensure that users are using the system responsibly

## VII. VIOLATIONS

Violation of this policy may result in immediate loss of use of the technology and/or disciplinary action up to and including legal action. Your signature on this document is legally binding, and indicates that you have read the terms and conditions carefully and understand their significance and consequences. This policy is further supported by the rules and regulations found in each school's student handbook and discipline policies.

**Failure to submit a completed form will adversely affect your child's ability to participate in computer- based activities as of October 1.**

## Student Internet and Network Acceptable Use Policy Return Form

This form is signed once for your enrollment at The John T. Nichols Middle School.

We have read the Middleborough Public Schools' Internet Acceptable Use Policy and agree that the student user identified below will abide by its provisions. We also:

- understand that violations of this policy may result in disciplinary action;
- that the Middleborough Public Schools filters the Internet but that no filter is perfect and, in rare instances, there may be unintentional access to inappropriate material; and
- agree to hold harmless the school district and its representatives for materials acquired through the Middleborough Public Schools' Internet service and for the way the student user chooses to use the access to the Internet.

### **APPENDIX C**

#### ***MIDDLEBOROUGH PUBLIC SCHOOLS CHILD ABUSE REPORTING PROCEDURES***

Each school shall designate, and make known to its staff, that the School Adjustment Counselor (or School Psychologist) is that building's designated Child Abuse Reporter.

Any school staff member who has reason to suspect child abuse or neglect must report that suspicion immediately to the School Adjustment Counselor (SAC) or School Psychologist and follow up with a written report. School staff members are mandated reporters. The teacher or other school staff who notifies the school's designated child abuse reporter has completed their obligation as a mandated reporter. It is critical that the SAC or School Psychologist be notified **immediately** for the safety of the child. The teacher or school staff must not wait until the end of the school day.

The SAC or school psychologist will determine if a formal team should be convened or if notification to team members should be sufficient. (A team includes, but is not limited to the SAC or school psychologist, the principal, nurse, guidance counselor, and/or another person designated by the principal.)

If the SAC or School Psychologist is not available, the report must go to the school nurse or principal who will discuss it as a team (including, but not limited to the principal, nurse, guidance counselor, and/or other person designated by the principal). The team will then decide how best to proceed by following the same procedures the SAC or School Psychologist would follow as outlined below.

After receiving a report of suspected child abuse, the SAC or School Psychologist will either interview the student or talk to appropriate school personnel for more information.

In some cases, the SAC or School Psychologist may act alone in deciding to report a suspected child abuse or neglect report. This may happen if the information about the abuse or neglect was discovered through a confidential counseling session.

In other cases, the SAC or School Psychologist will receive the report and discuss the child with appropriate school personnel, and then they may, based on that information alone, decide:

1. Not to file (**or**) 2. To file – The SAC or School Psychologist will first notify and consult with the principal, then file a 51A with the Department of Children and Families, Plymouth Office. Tel. 1–508–732-6200 or 1-800-423-2338 Fax 1–508–747–1239 2. To interview the student then decide whether to file or not.

**In the case where the alleged abuse has come directly to the SAC or School Psychologist they may interview the student, may consult with other school personnel, and then decide:**

1. Not to file (**or**)

2. To file – The SAC or School Psychologist will first notify and consult with the principal, then file a 51A with the Department of Children and Families, Plymouth Office. Tel. 1 –508–732-6200 or 1-800-423-2338 Fax 1–508–747 –1239

During the interview of the child it is important for the SAC or School Psychologist to get only enough information to make a report, as DCF will do a more thorough investigation to determine the accuracy of the information that led to suspected abuse or neglect. The way in which the child is interviewed can affect the results of the investigation. Only the SAC or School Psychologist should conduct interviews within the schools. Once the case is filed, DCF will conduct all interviews.

The person who files the 51A will notify the school nurse that a report has been made (many abused children develop physical symptoms that the school nurse might consider in their assessments). In case of physical injury the school nurse should evaluate and document the injury. That documentation, or the information it contains, will be included in the written report filed with DCF.

In the case of suspected illness, injury, or other condition in which the school nurse feels additional assessment is needed, the school physician may be contacted.

The SAC or School Psychologist will decide whether to notify parents on a case-by-case basis. This is not required, and should be decided by examining the advantages and disadvantages of each case based on knowledge of the child's family situation.

In a case where a child is refusing to go home because of being in danger of imminent abuse, or school personnel determine it is unsafe to send the student home, the principal, DCF and police will be immediately notified. The SAC or School Psychologist should be aware that if the child is in immediate danger, they should inform DCF that the situation is an emergency case.

The SAC or School Psychologist will file by calling DCF, and will send or fax a written report on the DCF form within 48 hours of the initial phone call. The SAC or School Psychologist will keep a copy of that report. No other copy will be made except under extenuating circumstances.

Whenever appropriate, schools should make it possible for the investigating social worker to interview the child at school during regular school hours. The SAC or School Psychologist should notify the counselors of siblings in other schools.

The Division of Social Services will notify the SAC or School Psychologist of the results of their



investigation. Those results should be reported to the principal when they are received. If a report is filed just before school summer vacation, the reporter should make sure the principal receives the response from DCF. A designated school professional (counselor, school psychologist, nurse) will follow up with the child in the days after the report is filed. This follow-up should continue as long as the child is in need of support. There may be cases of exception to this protocol. The best judgment of the SAC or School Psychologist, in collaboration with appropriate school personnel may necessitate variations to these procedures.

### ***STAFF TRAINING***

Each school will conduct a review of Child Abuse Reporting Procedures with their entire staff at the beginning of each school year. District-wide training of staff who might be directly involved with reporting to DCF will take place every 2 years.

### ***COMMON QUESTIONS***

#### ***Who is a mandated reporter?***

Mandated reporters include medical practitioners and technicians, public and private school teachers and administrators, guidance counselors, attendance officers, psychologists, social workers, foster parents, police, and court officers, firefighters and others.

#### ***Are mandated reporters liable if they fail to report suspected abuse or neglect?***

Yes. A mandated reporter may be subject to a criminal fine of up to \$1000 for failure to report suspected abuse or neglect of a child under 18. Effective July 1, 2010, the fine may be as high as \$5,000. Please see <http://www.mass.gov/legis/laws/mgl/119-51a.htm> for the complete amendment.

#### ***How are abuse and neglect defined under c.119.51A?***

Abuse means the non-accidental commission of any act against a child which causes or creates a substantial risk of physical injury or emotional injury: serious physical injury to a child or the commission of a sex offense against a child as defined by the criminal laws of the Commonwealth or any sexual contact by a child and a caretaker.

#### ***What is a reasonable cause to believe that a child under 18 is suffering from abuse or neglect?***

Reasonable cause to believe means known or suspected instances of child abuse or neglect. A suspicion of child abuse is sufficient to trigger the requirements of a 41A.

#### ***Will the name of the school staff member who reports the suspected abuse or neglect be released to the child's parent or guardian?***

DCF's regulations prohibit the release of the reporter's name by its staff to the family or alleged perpetrator of abuse and neglect. However, if DCF refers a report to the District Attorney or police they will receive the reporter's name. DCF can be required to release the reporter's name in response to a court order. In Addition, the child's situation may make it readily apparent to a parent or guardian who is the most likely person to have made the report. For this reason it is recommended that the reporter notify

parents that they have made a report as is required by law.

***What if the mandated reporter who reports to the person in charge of the school or under a school protocol is uncertain whether the report has reached DCF?***

A mandated reporter who has followed the school protocol and reported suspected child abuse to a school administrator or designee, but is uncertain that the report has reached DCF, may also make the report directly to DCF. G.L.c.11951A prohibits any employer of a mandated reporter from discharging or retaliating against the employee for making a report to the DCF in good faith under the statute.

*Amendment effective July 1, 2008: If a mandated reporter is a member of the staff of a medical or other public or private institution, school or facility, the mandated reporter may instead notify the person or designated agent in charge of such institution, school or facility who shall become responsible for notifying the department in the manner required by this section.*

***What happens when a report is filed with DCF?*** Initially, the DCF social worker who takes the report of abuse or neglect screens it. If there is reasonable cause to believe that a child is being abused or neglected by a “caretaker”, the report will be “screened-in” for investigation. A report that is screened-out because it does not involve a caretaker will be referred to the DA and local police if it involves criminal child abuse by a non-caretaker. If there is reasonable cause to believe that the child is in immediate danger of further abuse or neglect, DCF must begin its investigation within 2 hours and complete it within 24 hours. Otherwise, the investigation must begin within 2 calendar days and be completed within 10 calendar days.

***Who is a caretaker under DCF regulations?***

The term caretaker is extremely broad under the regulation. A caretaker means a parent, stepparent, guardian, or other household member, or other individual who is entrusted with responsibility for a child’s health or welfare in the home, relative’s home, school setting, foster or group home, day care center, or a residential facility. In addition to parents or household members, it includes teachers, babysitters, school bus drivers, camp counselors, foster care providers or day care providers.

***When a 51A is filed, how does DCF inform the reporter of its investigation and outcome of the case?***

DCF will notify the reporter of its decision to screen in or out the report. If DCF has screened in the report for investigation the reporter will be notified of the outcome of the complete investigation even when DCF does not support the allegation.

***May a public school release student record information to DCF in cases of suspected child abuse or neglect?***

Yes. G.L.c.119 51B requires a mandated reporter to disclose to DCF any information that it determines is relevant to its investigation of a case of suspected abuse or neglect, including student record information. The release of this information is specifically authorized in the Student Records Regulations at 603CMR 23.07(4) [c] and [e].

## **APPENDIX D**

### **SEXUAL HARASSMENT POLICY POSITION:**

The Middleborough School Committee takes the position that all employees and students in the Middleborough Public Schools have the right to work and learn in an environment free from sexual harassment.

The Middleborough School Committee will take seriously all complaints of sexual harassment and will investigate through its designated Sexual Harassment Contact Persons (Investigators) each and every complaint thoroughly and as quickly as possible. Condoning sexual harassment will not be tolerated.

### **DEFINITION:**

Sexual Harassment is defined by the Middleborough School Committee as unwelcome sexual advances and/or requests for sexual favors, unsolicited remarks, gestures or physical contact, display or circulation of written materials or pictures derogatory to either gender, sexual advances and/or requests for sexual favors. In addition, other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain or maintain employment; or
2. Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment; or
3. Such conduct or communications has the purpose or effect of substantially interfering with an individual's employment or performance, or creating an intimidating, hostile or offensive environment.

Implicit in the above definition is that sexual innuendos, jokes, comments, pictures, displays of sexually suggestive materials, or questions are included in the prohibited conduct. Also implicit in the definition is that the policy applies equally between the sexes.

### **SCOPE OF POLICY:**

This policy extends to all persons employed by Middleborough Public Schools. This policy extends to all students in the Middleborough Public Schools. This policy also pertains to those firms and individuals who are contracted to perform work for the Middleborough Public Schools.

### **SEXUAL HARASSMENT WITHIN THE SCHOOL ENVIRONMENT**

#### **A. General Considerations**

The Middleborough Public Schools expects that each and every employee and/or student respect the rights of co-workers and/or fellow students in a comfortable and harassment-free school. To work toward this level of mutual respect and understanding, an employee/student should let another employee/student

know when that person's behavior, or activity is considered offensive and/or leads to uncomfortable working/learning conditions. Once made aware that such a condition exists, such behavior will be investigated and acted upon.

## **B. Explanation of Sexual Harassment**

In its simplest expression, sexual harassment is unwelcome verbal or non-verbal actions or physical contact of a sexual nature that impacts on the conditions of the school environment. These generally constitute two (2) forms of behavior which have been recognized as sexual harassment and which have been defined as follows:

1. There is the "quid pro quo" form of sexual harassment, which occurs when the harassment is used by the harasser as the basis for employment decisions affecting the victim.
  - a. Demanding sexual favors accompanied by overt threats concerning one's job security, performance, evaluation and assignments.
  - b. Engaging in reprisals (not granting promotions, assigning undesirable tasks, making negative statements about the victim's personal or work conduct, etc.) as a result of an individual's refusal to engage in social/sexual behavior.
2. The other form of sexual harassment is created in the working and/or school environment when an employee's or student's actions are thought to be hostile, intimidating, abusive or offensive. Some examples of this form of sexual harassment include the following:
  - a. Verbal harassment or abuse of a sexual nature; b. Making negative or offensive comments, jokes, innuendoes, or suggestions about another person's gender or sexuality; c. Using slang terms, names or labels that others find offensive; d. Offensive and unwelcome touching of any kind; e. Displaying sexually suggestive pictures, objects, cartoons, posters, or other pornographic materials; f. Continuing to ask a person to socialize after work when that person has verbally indicated no interest in such activities. g. Subtle pressure for sexual activities, e.g., continuing to write suggestive notes or letters after being informed they are unwelcome.

## **PROCEDURES:**

If an employee and/or student believes that they have been sexually harassed, or that they have witnessed such harassment, they shall report it, preferably in writing, immediately to their supervisor, teacher, to the Principal, to the Superintendent or to the Sexual Harassment Investigator and Equal Employment Opportunity Coordinator Ms. Carolyn Lyons, Director of Pupil Personnel Services 508-946-2013.. It shall be the responsibility of the supervisor, teacher, Principal or Superintendent to report the incident(s) to the Sexual Harassment Investigator.

## **Informal Procedures**

Upon notification of a sexual harassment complaint or incident, the sexual harassment investigator will initially attempt to resolve the dispute through informal procedures. Use of informal procedures makes the assumption that both parties perceive a problem (although they may define that problem differently); both share a common interest in solving that problem: and that together they can negotiate an agreement that will be satisfactory to all involved. The purpose of an informal procedure is to end the harassment of the complainant rather than judge the offender.

Examples of informal strategies include:

1. the complainant writing a letter to the offender.
2. investigators can talk to the offender on the complainant's behalf.
3. the offender and victim might participate in mediation, in which a third party (i.e. sexual harassment investigator) helps them negotiate an agreement.

### **Formal Procedures**

When informal procedures are not appropriate to resolving sexual harassment disputes, the sexual harassment investigator shall immediately begin the investigation.

The investigation shall consist of interviewing both the complainant and the alleged harasser, individually and privately. The investigator shall document the statements of both the complainant and the harasser.

The alleged harasser shall be informed of the complainant's identity. The alleged harasser will also be informed that recriminations/reprisals against the complainant shall/will not be tolerated.

If there are any witnesses to the incident of harassment, they shall be interviewed, individually or privately, without either the complainant or the alleged harasser present. The investigator shall document the statements of the witnesses.

In all cases involving sexual harassment, all parties involved will be given the utmost protection of privacy.

Within ten (10) work days the Sexual Harassment Investigator will provide to the complainant and the alleged harasser an update on the investigation. If not completed within seven work days, both the complainant and the alleged harasser will be given an expected date of completion of the investigation.

After the investigation is completed, the Sexual Harassment Officer shall file a written report with the Superintendent and/or the Middleborough School Committee. If it has been determined by the investigation that sexual harassment has occurred, the harasser will be punished to the full extent of the law. The discipline shall be filed in the harasser's personnel file. Also, corrective action shall be taken. Both the disciplinary action and the corrective action shall be taken as quickly as possible.

If the investigator does not substantiate the complaint of sexual harassment, then nothing is placed in the harasser's personnel file.

**NOTE:** Recrimination/reprisal against complainant and/or witnesses after a "finding" or "non- finding" will not be tolerated. Both parties shall be provided with a copy of the investigators report.

If either complainant or the alleged harasser is dissatisfied with the results of the investigation or the harassment charge, the individual may discuss the dissatisfaction directly with the Investigator. If still dissatisfied, they may turn to the grievance procedure set forth in the applicable collective bargaining agreement.

In addition, students and employees should be aware that they may have further recourse under the law governing sexual harassment.

Students should refer to procedures outlined in student handbook to report incidents of sexual harassment.

The Middleboro Public Schools is committed to the elimination and prevention of sexual harassment in order to maintain a safe and positive working and learning environment. To reach this goal, the district will provide staff development for identification and prevention of sexual harassment. Initial training will include:

1. Definition of sexual harassment;
2. Explanation of the district policy and policy procedures;
3. Legal prohibition and consequences of sexual harassment;
4. Pertinent examples of sexual harassment and
5. Overview of sexual harassment identification and prevention curriculum for students. New employees and others who come into contact with students will receive initial training soon after they begin their responsibilities with the district.

An important aspect of the Sexual Harassment Policy formal procedures is the right of bargaining unit members involved in any role in matters pertaining to this policy to have association representation present and a commitment to adjust meetings accordingly. If any portion of the policy is in conflict with collective bargaining agreements, the agreement will prevail, provided the provisions of such agreements are not found to be contrary to the law.

**Identity of appropriate state and federal employment discrimination enforcement agencies and directions as to how to contact such agencies.**

Office for Civil Rights, U.S. Department of Education, 33 Arch Street, Suite 900, Boston, MA  
**02110-1491**

Massachusetts Commission Against Discrimination, 1 Ashburton Place, Boston, MA 617-727- 3990

Equal Employment Opportunity Commission, 150 Causeway Street, Suite 1000, Boston, MA  
1-800-669-3362

Sexual Harassment Investigator: Ms. Carolyn Lyons, Director of Pupil Personnel Services 508- 946-2013

30 Forest Street, 112 Tiger Drive, Middleborough, MA 02346

Approved by Middleborough School Committee on November 21, 1996

**APPENDIX E**

***SEXUAL HARASSMENT POLICY – STUDENTS POSITION*** The School Committee takes the position that all employees and students in the Middleborough Public Schools have the right to work and learn in an environment free from any type of harassment. Sexual harassment is against the law and will not be tolerated by the Middleborough Public Schools. All complaints of sexual harassment will be taken seriously and will be investigated thoroughly and as quickly as possible. Condoning sexual harassment will not be tolerated.

**DEFINITION** Sexual harassment is defined as unwelcome sexual advances and/or requests for sexual favors, unsolicited remarks, gestures or physical contact, display or circulation of written materials or pictures derogatory to either gender, sexual advances and/or request for sexual favors. In addition, other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. Submission to such conduct or communication is made a term or condition either explicitly or implicitly of an individual's success as a student; or
2. Submission to or rejection of such conduct or communication by an individual is used as a factor in educational decisions affecting such individuals; or
3. Such conduct or communication has the purpose or effect of substantially interfering with an individual's educational performance or creating an intimidating, hostile or offensive educational environment. Sexual innuendoes, jokes, comments, pictures, or displays of sexually suggestive materials may constitute sexual harassment depending upon the totality of the circumstances and the severity of the conduct. The policy applies equally between the sexes.

**A. General Considerations** The Middleborough Public Schools expects that each and every student respects the rights of fellow students in a comfortable and harassment-free school environment. Sexual harassment of students, teachers, staff, or volunteers occurring in school or at school-sanctioned activities is unacceptable, unlawful and will not be tolerated. Any person aware of such harassment is required to report it to a teacher, the principal, the sexual harassment investigator, or the superintendent.

**B. Explanation of Sexual Harassment** In its simplest expression, sexual harassment is unwelcome verbal or non-verbal actions or physical contact of a sexual nature that impacts on the conditions of the school environment. Generally, there are two types of sexual harassment:

1. There is the "Quid pro quo" form of sexual harassment, which occurs when the harassment is used by the harasser as the basis for educational decisions affecting the victim.
  - a. Demanding sexual favors accompanied by overt threats concerning one's individual success; or
  - b. Engaging in reprisals (assigning undesirable tasks, making negative statements about the victim's conduct, etc.) as a result of an individual's refusal to engage in social/sexual behavior.
2. The other form of sexual harassment in the school environment is when a staff member or student's actions are thought to be hostile, intimidating, abusive or offensive. Some examples of this form of sexual harassment include the following:
  - a. Verbal harassment or abuse of a sexual nature;
  - b. Making negative or offensive comments, jokes, innuendoes, or suggestions about another person's gender or sexuality;
  - c. Using slang terms, names or labels that others find offensive;
  - d. Offensive and unwelcome touching of any kind;
  - e. Displaying sexually suggestive pictures, objects, cartoon, posters or pornographic materials;
  - f. Continuing to ask a person to socialize when that person has verbally indicated no interest in such activities;
  - g. Subtle pressure for sexual activities, e.g., continuing to write suggestive notes or letters after being informed they are unwelcome.



## ***COMPLAINT PROCEDURES***

If a student believes that they have been sexually harassed, or that they have witnessed such harassment, they shall report it, preferably in writing, immediately to their Teacher, to the building Principal, to the Superintendent or to the Sexual Harassment Investigator: Ms. Carolyn Lyons, Pupil Personnel Director and EEO Coordinator 508-946-2013. It shall be the responsibility of the Teacher, Principal, or Superintendent to report the incident(s) to the Sexual Harassment Investigator. When a school employee becomes aware that a teacher or staff member is sexually harassing a student, a 51A should be filed with the Department of Social services. ***Informal Procedures***

Upon notification of a sexual harassment complaint or incident, an investigation will be initiated to attempt to resolve the dispute through informal procedures. Use of informal procedures makes the assumption that both parties perceive a problem (although they may define that problem differently); both share a common interest in solving that problem; and that together they can arrive at an agreement that will be satisfactory to all involved. The purpose of an informal procedure is to end the harassment of the complainant rather than judge the offender.

Examples of informal strategies include:

- A. An investigator helping the student to write a letter to the alleged harasser.
- B. An investigator talking to the alleged harasser on the complainant's behalf.
- C. An investigator bringing the alleged harasser and victim together to discuss and resolve the problem.

### ***Formal Procedures***

When informal procedures are not appropriate to resolving sexual harassment disputes, a formal investigation shall begin promptly.

1. The investigation shall consist of interviewing both the complainant and the alleged harasser separately. The investigator shall document the statements of both the complainant and the harasser.
2. The alleged harasser shall be informed of the complainant's identity. The alleged harasser will also be informed that recriminations/reprisals against the complainant will not be tolerated. If there are any witnesses to the incident of harassment, they shall be interviewed without either the complainant or the alleged harasser present. The investigator shall document the statements of the witnesses. In all cases involving sexual harassment, all parties involved will be afforded as much privacy as possible without jeopardizing the investigation.
3. Within seven (7) workdays of the submission of the complaint to the Sexual Harassment Investigator, they will provide to the complainant and the alleged harasser an update on the investigation. If not completed within seven workdays, both the complainant and the alleged harasser will be given an anticipated date of completion of the investigation.
4. After the investigation is completed, the investigator shall file a written report with the

Sexual Harassment Investigator and the Superintendent. If the determination in the written report is that sexual harassment has occurred, the harasser, if a student, shall be subject to discipline, up to and including suspension or expulsion. The discipline shall be filed in the harasser's student file. Corrective action shall also be taken to eliminate future harassment and to correct the discriminatory effects on the complainant and/or others. Both the disciplinary action and the corrective action shall be taken as quickly as possible. If the investigator does not substantiate the complaint of sexual harassment, then nothing shall be placed in the alleged harasser's student file.

5. If either the complainant or the alleged harasser is dissatisfied with the results of the investigation of the harassment charge, the individual may discuss their dissatisfaction directly with the investigator. The individual may also discuss their dissatisfaction with the District Sexual Harassment Investigator. If still dissatisfied, the individual may discuss their dissatisfaction with the Superintendent. In addition, students should be aware that they may have further recourse under the law governing sexual harassment. A formal complaint may be filed with:

- Office for Civil Rights, 33 Arch Street, Suite 900, Boston, MA 02110-1491 (617) 223-9662
- Massachusetts Commission Against Discrimination, 1 Ashburton Place, Boston, MA (617) 727-3990
- Equal Employment Opportunity Commission, 150 Causeway Street, Suite 1000, Boston, MA 1-800- 669-3362 **NOTE: Recrimination/reprisal against complainant and/or witnesses after a finding or non-finding of sexual harassment will not be tolerated. Both parties shall be provided with a copy of the written report.**

***Sexual Harassment Investigator*** Mr. Kevin Avitabile Director of Pupil and Personnel Services 112 Tiger Drive, Middleborough, MA 02346 - 508-946-2013

Approved by Middleborough School Committee on May 8, 2008

## **APPENDIX F**

***HARASSMENT POLICY:*** The School Committee of the Middleborough Public Schools reaffirms that they do not discriminate on the basis of race, color, religion, sex, national origin, age, disability or sexual orientation in admission to, access to, treatment in or employment in its program or activities. Consistent with M.G.L. Chapter 76, Section 5, the Middleborough School District also affirms the commitment to maintain a school and work environment free of harassment based on race, color, religion, sex, national origin, age, disability, or sexual orientation. Any harassment on the basis of race, color, religion, sex, national origin, age, disability, or sexual orientation will not be tolerated and will be punishable to the full extent of the law.

The School Committee will take seriously all complaints of harassment based on sex, race, color, national origin, religion, age, disability or sexual orientation and will investigate complaints thoroughly and as quickly as possible through its designated Title IX and Title VI Coordinator. Condoning harassment and

retaliation for providing information relative to a harassment claim will not be tolerated.

### ***SCOPE OF POLICY***

- This policy extends to all persons employed by the Middleborough Public Schools.
- This policy extends to all students in the Middleborough Public Schools.
- This policy also pertains to those firms and individuals who are contracted to perform work for the Middleborough Public Schools or those individuals who volunteer in the Middleborough Public Schools.

### ***HARASSMENT WITHIN THE SCHOOL ENVIRONMENT***

IF SEXUAL HARASSMENT IS REPORTED OR SUSPECTED, REFER TO THE MIDDLEBOROUGH PUBLIC SCHOOLS SEXUAL HARASSMENT POLICY.

The Middleborough Public Schools expects that its employees and/or students respect the rights of co-workers and/or fellow students to a harassment-free school and work environment. To work toward this level of mutual respect and understanding, an employee/student is encouraged to let another employee/student know when that person's behavior or activity is considered offensive and/or leads to uncomfortable work/learning conditions. Once made aware that such a condition exists, such behavior or activity shall cease immediately and permanently. Employees and students may also report harassing conduct to the school administration as set forth in the "PROCEDURES" section below.

The Middleborough Public Schools is committed to the elimination and prevention of harassment in order to maintain a safe and positive working and learning environment. To reach this goal, the district will provide staff development for identification and prevention of harassment. Initial training will include:

a. definition of harassment; b. explanation of the district policy and policy procedures; c. legal prohibitions and consequences of harassment d. pertinent examples of harassment; and e. overview of harassment identification and prevention curriculum for students. New employees and others who come into contact with students will receive initial training soon after they begin their responsibilities with the district.

### ***PROCEDURES***

If an employee and/or student believes that the individual has been harassed based on sex, race, color, national origin, religion, age, disability or sexual orientation, or that they have witnessed such harassment, they shall report it, preferably in writing, immediately to their supervisor, to their teacher, to their Principal, to the Superintendent, to the Title IX Coordinator/Harassment Investigator Ms. Carolyn Lyons, Director of Personnel Services, 508-946-2013 or to the Title VI Coordinator Ms. Ellen Driscoll, Chief Technology Officer, 508-946-9559. It shall be the responsibility of the supervisor, teacher, principal, or the Superintendent to report the incident(s) to the Investigators.

### ***Informal Procedures***

Upon notification of a harassment complaint or incident, the Investigator will initially attempt to resolve The dispute through informal procedures. Use of informal procedures makes the assumption that both

parties perceive a problem (although they may define that problem differently); both share a common interest in solving that problem; and that together they can resolve the problem in a mutually satisfactory way. Examples of informal strategies include:

- A. The complainant writes a letter to the accused offender.
- B. Investigator can talk to the accused offender on the complainant's behalf.
- C. The offender and victim might participate in mediation, in which a third party (i.e. the Investigator) helps them to resolve issues between the parties.

### ***Formal Procedures***

When informal procedures are not appropriate to resolving harassment disputes, the harassment investigator shall immediately begin the investigation.

*An important aspect of the Harassment Policy formal procedures is the right of bargaining unit members involved in any role in matters pertaining to this policy to have association representation present and a commitment to adjust meetings accordingly. If any portion of the policy is in conflict with collective bargaining agreements, the agreement will prevail, provided the provisions of such agreements are not found to be contrary to the law.*

- The investigation shall consist of interviewing both the complainant and the alleged harasser, individually and privately. The investigator shall document the statements of both the complainant and the harasser.
- The alleged harasser shall be informed of the complainant's identity. The alleged harasser will also be informed that retaliation against the complainant in violation of the policy will not be tolerated.
- If there are any witnesses to the incident of harassment, they shall be interviewed, individually or privately, without either the complainant or the alleged harasser present. The investigator shall document the statements of the witnesses.
- Within seven (7) workdays, the Investigator will provide to the complainant and the alleged harasser an update on the investigation. If not completed within seven workdays, both the complainant and the alleged harasser will be given an expected date of completion of the investigation.
- After the investigation is completed, the Investigator shall file a written report with the Superintendent and/or the School Committee. If it has been determined by the investigation that harassment has occurred, the harasser shall be subject to discipline, up to and including termination. The discipline shall be filed in the harasser's personnel file. Also, corrective action shall be taken. Both the disciplinary action and the corrective action shall be taken as quickly as possible.
- If the investigator does not substantiate the complaint of harassment, then nothing is placed in the accused harasser's personnel file. **NOTE: Retaliation against complainant and/or**

**witnesses after a “finding” or “non-finding” will not be tolerated. Both parties shall be provided with a copy of the investigator’s report.**

If either the complainant or the alleged harasser is dissatisfied with the results of the investigation of the accusation of harassment, the individual may discuss their dissatisfaction directly with the Investigator. If still dissatisfied, the individual may discuss their dissatisfaction with the Superintendent of School. Members of the collective bargaining unit may also turn to the grievance procedure set forth in the applicable collective bargaining agreement.

Students should refer to procedures outlined in the student handbook regarding incidents of harassment. In addition, students and employees should be aware that they may have further recourse under the law governing harassment. Identification of Appropriate State and Federal Employment Discrimination Enforcement Agencies and Directions as To How to Contact Such Agencies.

- Office for Civil Rights, 33 Arch Street, Suite 900, Boston, MA 02110-1491 (617) 223-9662
- Massachusetts Commission Against Discrimination, 1 Ashburton Place, Boston, MA (617) 727-3990
- Equal Employment Opportunity Commission, 150 Causeway Street, Suite 1000, Boston, MA 1-800- 669-3362

*Title IX Coordinator/Harassment Investigator* Mr. Kevin Avitabile, Director of Pupil and Personnel Services, 112 Tiger Drive, Middleborough, MA 02346 508-946-2013 *Title VI Coordinator* Ms. Ellen Driscoll, Chief Technology Officer, 41 Mayflower Avenue, Middleborough, MA 02346

**Approved by Middleborough School Committee on August 14, 2008**

**Adopted 4/26/07 – Effective 9/0**

## **APPENDIX G**

**CHAPTER 269. AN ACT PROHIBITING THE ACT OF HAZING:** Massachusetts General Law, Chapter 269, Sections 17-19, strictly prohibits any type of hazing or initiation into any student organization, which will endanger, either physical or mentally, the student’s person.

**Section 17: Hazing; organizing or participating; hazing defined** Whoever is a principle organizer or participant in the crime of hazing as defined herein shall be punished by a fine or not more than one thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment. The term “hazing” as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether public or private property, which willfully or recklessly may endanger the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

***Section 18: Failure to report hazing***

Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to themselves or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine or not more than one thousand dollars.

***Section 19: Issuance to students and student groups, teams and organizations; report***

Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations. Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the board of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of higher education and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution, which fails to make such report.

## **APPENDIX H**

### ***CODE OF MASSACHUSETTS REGULATIONS 603 CMR 23.00 STUDENT RECORDS 23.07. ACCESS TO STUDENT RECORDS***

#### ***Inspection of Record***

A parent or eligible student has the right to inspect all portions of the student record upon request. The record must be made available within ten days after the request, unless the parent or student consents to a delay. The parent and eligible student have the right to receive a copy of any part of the record, although the school may charge a reasonable fee for the cost of duplicating the materials. The parent and eligible student may request to have parts of the record interpreted by a qualified professional from the school, or may invite anyone else of their choice to inspect or interpret the record with them.

#### ***Confidentiality of Record***

Except where the regulations specifically authorize access by third parties, no individuals or organizations other than the parent, eligible student, and school personnel working directly with the student are allowed access to information in the student record without the specific, informed, written consent of the parent or eligible student.

**Access to Student Records by Non-Custodial Parents** The Board of Education has adopted, as emergency regulations, amendments to the Student Records Regulations concerning access to student records by non-custodial parents. The new provisions are in effect for the start of the 2005-2006 school year. As set forth in the amended regulation, 603 CMR 23.07(5), non-custodial parents are eligible to obtain access to their children's student records *unless* the school or district has been given documentation that:

- The non-custodial parent has been denied legal custody based on a threat to the safety of the student or to the custodial parent, or
- The non-custodial parent has been denied visitation or has been ordered to supervised visitation, or
- The non-custodial parent's access to the student or to the custodial parent has been restricted by a temporary or permanent protective order, unless the order or any subsequent court order specifically allows access to student record information. ***Access of Third Parties*** Except for the provisions of 603 CMR 23.07(4)(a) through 23.07(4)(h), no third party shall have access to information in or from a student record without the specific, informed written consent of the eligible student or the parent. When granting consent, the eligible student or parent shall have the right to designate which parts of the student record shall be released to the third party. A copy of such consent shall be retained by the eligible student or parent and a duplicate placed in the temporary record. Except for information described in 603 CMR 23.07(4)(a), personally identifiable information from a student record shall only be released to a third party on the condition that they will not permit any other third party to have access to such information without the written consent of the eligible student or parent.

A. A school may release the following directory information: a student's name, address, telephone listing, date and place of birth, major field of study, dates of attendance, weight and height of members of athletic teams, class, participation in officially recognized activities and sports, degrees, honors and awards, and post-high school plans without the consent of the eligible student



or parent; provided that the school gives public notice of the types of information it may release under 603 CMR 23.07 and allows eligible students and parents a reasonable time after such notice to request that this information not be released without the prior consent of the eligible student or parent. Such notice may be included in the routine information letter required under 603 CMR 23.10.

B. Upon receipt of a court order or lawfully issued subpoena the school shall comply, provided that the school makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance. C. A school may release information regarding a student upon receipt of a request from the

Department of Social Services, a probation officer, a justice of any court, or the Department of Youth Services under the provisions of M.G.L. c. 119, sections 51B, 57, 69 and 69A respectively. D. Federal, state and local education officials, and their authorized agents shall have access to student records as necessary in connection with the audit, evaluation or enforcement of federal and state education laws, or programs; provided that except when collection of personally identifiable data is specifically authorized by law, any data collected by such officials shall be protected so that parties other than such officials and their authorized agents cannot personally identify such students and their parents; and such personally identifiable data shall be destroyed when no longer needed for the audit, evaluation or enforcement of federal and state education laws. E. A school may disclose information regarding a student to appropriate parties in connection

with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. This includes, but is not limited to, disclosures to the local police department and the Department of Social Services under the provisions of M.G.L. c. 71, section 37L, and M.G.L. c. 119, section 51A. F. Upon notification by law enforcement authorities that a student, or former student, has been

reported missing, a mark shall be placed in the student record of such student. The school shall report any request concerning the records of such child to the appropriate law enforcement authority pursuant to the provisions of M.G.L. c. 22A, section nine. G. Authorized school personnel of the school to which a student seeks or intends to transfer may have access to such student's record without the consent of the eligible student or parent, provided that the school the student is leaving, or has left, gives notice that it forwards student records to schools in which the student seeks or intends to enroll. Such notice may be included in the routine information letter required under 603 CMR 23.10.

### ***Notification of Rights under FERPA For Elementary and Secondary School***

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are: The right to inspect and review the student's education records within 45 days of the day the School receives a request for access.

Parents or eligible students should submit to the School principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The School official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. The right to request the amendment of the student's education records that the parent or eligible student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the School to amend a record should write to the School principal (or appropriate school official), clearly identify the part of the record they want changed and specify why it should be changed. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted as its agent to provide a service instead of using its own employees or officials (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing their tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility.

(Optional) Upon request, the School discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. (NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the *School District* to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are: **Family Policy Compliance Office U.S. Department of Education 400 Maryland Avenue, SW Washington, DC 20202-5920** (NOTE: In addition, a school may want to include its directory information public notice, as required by 99.37 of the regulations, with its annual notification of rights under FERPA.) **PPRA Model Notice and Consent/Opt-Out for Specific Activities (LEAs should adopt the following model form as appropriate)**

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. 1232h, requires (School District) to notify you and obtain consent or allow you to opt your child out of participating in certain school activities. These activities include a student survey, analysis, or evaluation that concerns one or more of the following eight areas ("protected information surveys"): 1. Political affiliations or beliefs of the student or student's parent; 2. Mental or psychological problems of the student or student's family; 3. Sex behavior or attitudes;

- Illegal, anti-social, self-incriminating, or demeaning behavior;
- Critical appraisals of others with whom respondents have close family relationships; •

Legally recognized privileged relationships, such as with lawyers, doctors, or ministers; •

Religious practices, affiliations, or beliefs of the student or parents; or

- Income, other than as required by law to determine program eligibility. This requirement also applies to the collection, disclosure, or use of student information for marketing purposes (“marketing surveys”), and certain physical exams and screenings.

Following is a schedule of activities requiring parental notice and consent or opt-out for the upcoming school year. This list is not exhaustive and, for surveys and activities scheduled after the school year starts, the **(School District)** will provide parents, within a reasonable period of time prior to the administration of the surveys and activities, notification of the surveys and activities and be provided an opportunity to opt their child out, as well as an opportunity to review the surveys. (Please note that this notice and consent/opt-out transfers from parents to any student who is 18 years old or an emancipated minor under State law.)

H. I. School health personnel and local and state health department personnel shall have access to

student health records, including but not limited to immunization records, when such access is required in the performance of official duties, without the consent of the eligible student or parent.

***Amendment of Record*** The parent and eligible student have the right to add relevant comments, information, or other written materials to the student record. In addition, the parent and eligible student have a right to request that information in the record be amended or deleted. They are entitled to meet with the principal (or the principal’s designee) to discuss their objection to information that is in the record, and to receive a written decision. A parent or eligible student who is not satisfied with the principal’s decision may appeal to higher authorities in the school district.

***Destruction of Records*** The regulations require school authorities to destroy a student’s temporary record within five years after the student transfers, graduates, or withdraws from the school system. School authorities are also allowed to destroy misleading, outdated, or irrelevant information in the record from time to time while the student is enrolled in the school system. In each case, the school must first notify the parent and eligible student and give them the opportunity to receive a copy of any of the information before it is destroyed.

## **APPENDIX I**

### ***Chapter 71: Section 34H. Noncustodial parents; receipt of information for children enrolled in public elementary or secondary schools; notice to custodial parents.***

Each public elementary and secondary school shall provide student records, including, but not limited to, the following information, in a timely and appropriate manner to the parents of a child enrolled in the school if the parents are eligible for information under this section and request the information in the manner set forth in this section: report cards and progress reports; the results of intelligence and achievement tests; notification of a referral for a special needs assessment; notification of enrollment in an English language learners program established under chapter 71A; notification of absences; notification of illnesses; notification of any detentions, suspensions or expulsion; and notification of permanent

withdrawal from school. Each school shall also make reasonable efforts to ensure that other written information that is provided to the custodial parent but not specified in the preceding sentence be provided to the requesting parent if that parent is eligible for information under this section. All electronic and postal address and telephone number information relating to either the work or home locations of the custodial parent shall be removed from information provided under this section. Receipt of this information shall not mandate participation in any proceeding to which notification pertains, nor shall it authorize participation in proceedings and decisions regarding the child's welfare, which are not granted through the award of custody. For purposes of this section, any parent who does not have physical custody of a child shall be eligible for the receipt of information unless: (1) the parent's access to the child is currently prohibited by a temporary or permanent protective order, except where the protective order, or any subsequent order which modifies the protective order, specifically allows access to the information described in this section; or (2) the parent is denied visitation or, based on a threat to the safety of the child, is currently denied legal custody of the child or is currently ordered to supervised visitation, and the threat is specifically noted in the order pertaining to custody or supervised visitation. All such documents limiting or restricting parental access to a student's records or information which have been provided to the school or school district shall be placed in the student's record.

A parent requesting information under this section shall submit a written request to the school principal. Upon receipt of a request for information under this section, the school shall review the student record for any documents limiting or restricting parental access to a student's records or information which have been provided to the school or school district and shall immediately notify the custodial parent of the receipt of the request. Notification must be made by certified mail and by first class mail in both the primary language of the custodial parent and in English. The notification shall also inform the custodial parent that information requested under this section shall be provided to the requesting parent after 21 days unless the custodial parent provides to the principal of the school documentation of any court order which prohibits contact with the child, or prohibits the distribution of the information referred to in this section or which is a temporary or permanent order issued to provide protection to the child in the custodial parent's custody from abuse by the requesting parent unless the protective order or any subsequent order which modifies the protective order, specifically allows access to the information described in this section.

At any time the principal of a school is presented with an order of a probate and family court judge which prohibits the distribution of information pursuant to this section the school shall immediately cease to provide said information and shall notify the requesting parent that the distribution of information shall cease. The department of education shall promulgate regulations to implement the provisions of this section. Said regulations shall include provisions, which assure that the information referred to in this section is properly marked to indicate that said information may not be used to support admission of the child to another school.

## **APPENDIX J**

### ***CHAPTER 385 OF THE ACTS OF 2002. AN ACT FURTHER PROTECTING CHILDREN***

**Section 1:** Chapter 6 of the General Laws is hereby amended by inserting after section 172F the following 3 sections:

**Section 172H:** Notwithstanding section 172 or any other general or special law to the contrary, any entity or organization primarily engaged in providing activities or programs to children 18 years of age or less

that accepts volunteers, shall obtain all available criminal offender record information from the criminal history systems board prior to accepting any person as a volunteer. Any entity or organization obtaining information under this section shall not disseminate such information for any purpose other than to further the protection of children.

**Section 172I:** Notwithstanding section 172 or any other general or special law to the contrary, taxicab companies that have contracted to provide transportation of pupils pursuant to section 7A of chapter 71 shall submit the names of any employee who may have direct and unmonitored contact with pupils to the appropriate school committee or school superintendent prior to transporting any pupil. The school committee or superintendent shall obtain all available criminal offender record information on such employees from the criminal history systems board pursuant to section 38R of chapter 71.

**Section 2:** Chapter 71 of the General Laws is hereby amended by striking out section 38R, as appearing in the 2000 Official Edition, and inserting in place thereof the following section: **Section 38R:** The school committee and superintendent of any city, town or regional school district and the principal, by whatever title the position be known, of a public or accredited private school of any city, town or regional school district shall have access to and shall obtain all available criminal offender record information from the criminal history systems board of any current or prospective employee or volunteer of the school department, who may have direct and unmonitored contact with children, including any individual who regularly provides school related transportation to children. Such school committee, superintendent or principal shall periodically, but not less than every 3 years, obtain all available criminal offender record information from the criminal history systems board on all such employees and volunteers during their term of employment or volunteer service. Said school committee; superintendent or principal shall also have access to all criminal offender record information of any subcontractor or laborer commissioned by the school committee of any city, town, or regional school district to perform work on school grounds, and who may have direct and unmonitored contact with children. Access to such information shall be obtained in accordance with sections 167 to 168, inclusive, of chapter 6. A school committee, superintendent or principal obtaining information under this section shall prohibit the dissemination of such information for any purpose other than to further the protection of school children.

Section 5: Within 90 days of the effective date of this act, any entity or organization primarily engaged in providing activities or programs to children 18 years of age or less shall obtain all available criminal offender record information for any person then providing volunteer service, as a condition of continued service. Any entity or organization obtaining information under this section shall not disseminate such information for any purpose other than to further the protection of children.

## **APPENDIX K**

### **Chapter 71: Section 37H. Policies Relative to Conduct of Students**

(a) Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.

(b) Any student who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal.

(c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal.

After said hearing, a principal may, in their discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b).

(d) Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the superintendent. The expelled student shall have ten days from the date of the expulsion in which to notify the superintendent of their appeal. The student has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.

(e) Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion, under section 21 of chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student in an education service plan, under section 21 of chapter 76.

(f) Districts shall report to the department of elementary and secondary education the specific reasons for all suspensions and expulsions, regardless of duration or type, in a manner and form established by the commissioner. The department of elementary and secondary education shall use its existing data collection tools to obtain this information from districts and shall modify those tools, as necessary, to obtain the information. On an annual basis, the department of elementary and secondary education shall make district level de-identified data and analysis, including the total number of days each student is excluded during the school year, available to the public online in a machine readable format. This report shall include district level data disaggregated by student status and categories established by the commissioner.

(g) Under the regulations promulgated by the department, for each school that suspends or expels a significant number of students for more than 10 cumulative days in a school year, the commissioner shall investigate and, as appropriate, shall recommend models that incorporate intermediary steps prior to the use of suspension or expulsion. The results of the analysis shall be publicly reported at the school district level.

## **APPENDIX L**

### **General Laws of Massachusetts Chapter 71: Section 37 H <sup>3</sup>/<sub>4</sub>. Suspension or Expulsion on Grounds Other than those set forth in Section 37H or 37 H <sup>1</sup>/<sub>2</sub>**

Section 37H<sup>3</sup>/<sub>4</sub>. (a) This section shall govern the suspension and expulsion of students enrolled in a public school in the commonwealth who are not charged with a violation of subsections (a) or (b) of section 37H or with a felony under section 37H<sup>1</sup>/<sub>2</sub>.

(b) Any principal, headmaster, superintendent or other person acting as a decision-maker at a student meeting or hearing, when deciding the consequences for the student, shall exercise discretion; consider ways to re-engage the student in the learning process; and avoid using expulsion as a consequence until other remedies and consequences have been employed.

(c) For any suspension or expulsion under this section, the principal or headmaster of a school in which the student is enrolled, or a designee, shall provide, to the student and to the parent or guardian of the student, notice of the charges and the reason for the suspension or expulsion in English and in the primary language spoken in the home of the student. The student shall receive the written notification and shall



have the opportunity to meet with the principal or headmaster, or a designee, to discuss the charges and reasons for the suspension or expulsion prior to the suspension or expulsion taking effect. The principal or headmaster, or a designee, shall ensure that the parent or guardian of the student is included in the meeting, provided that such meeting may take place without the parent or guardian only if the principal or headmaster, or a designee, can document reasonable efforts to include the parent or guardian in that meeting. The department shall promulgate rules and regulations that address a principal's duties under this subsection and procedures for including parents in student exclusion meetings, hearings or interviews under this subsection.

(d) If a decision is made to suspend or expel the student after the meeting, the principal or headmaster, or a designee, shall update the notification for the suspension or expulsion to reflect the meeting with the student. If a student has been suspended or expelled for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year, the student and the parent or guardian of the student shall also receive, at the time of the suspension or expulsion decision, written notification of a right to appeal and the process for appealing the suspension or expulsion in English and in the primary language spoken in the home of the student; provided, however, that the suspension or expulsion shall remain in effect prior to any appeal hearing. The principal or headmaster or a designee shall notify the superintendent in writing, including, but not limited to, by electronic means, of any out-of-school suspension imposed on a student enrolled in kindergarten through grade 3 prior to such suspension taking effect. That notification shall describe the student's alleged misconduct and the reasons for suspending the student out-of-school. For the purposes of this section, the term "out-of-school suspension" shall mean a disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more.

(e) A student who has been suspended or expelled from school for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year shall have the right to appeal the suspension or expulsion to the superintendent. The student or a parent or guardian of the student shall notify the superintendent in writing of a request for an appeal not later than 5 calendar days following the effective date of the suspension or expulsion; provided, that a student and a parent or guardian of the student may request, and if so requested, shall be granted an extension of up to 7 calendar days. The superintendent or a designee shall hold a hearing with the student and the parent or guardian of the student within 3 school days of the student's request for an appeal; provided that a student or a parent or guardian of the student may request and, if so requested, shall be granted an extension of up to 7 calendar days; provided further, that the superintendent, or a designee, may proceed with a hearing without a parent or guardian of the student if the superintendent, or a designee, makes a good faith effort to include the parent or guardian. At the hearing, the student shall have the right to present oral and written testimony, cross-examine witnesses and shall have the right to counsel. The superintendent shall render a decision on the appeal in writing within 5 calendar days of the hearing. That decision shall be the final decision of the school district with regard to the suspension or expulsion.

(f) No student shall be suspended or expelled from a school or school district for a time period that exceeds 90 school days, beginning the first day the student is removed from an assigned school building.

## **APPENDIX M**

### ***CHAPTER 71: SECTION 37H. POLICIES RELATIVE TO CONDUCT OF STUDENTS***

(a) Any student who is found on school premises or at school sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion by the school, school district by the principal. (b) Any student who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff



on school premises or at school- sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal.

Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal. After said hearing, the principal may, in its discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b). (d) Any student who has been expelled from school district pursuant to these provisions shall have the right

to appeal to the superintendent. The expelled student shall have ten days from the date of the expulsion in which to notify the superintendent of their appeal. The student has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section. € When a student is expelled under the provisions of this section, no school or school district within the commonwealth shall be required to admit such student or to provide educational services to said student. If said student does apply for admission to another school or school district, the superintendent of the school district to which the application is made may request and shall receive from the superintendent of the school expelling said student a written statement of the reasons for said expulsion.

## **APPENDIX N**

### ***CHAPTER 71 SECTION 37L. REPORTS OF STUDENTS POSSESSING OR USING DANGEROUS WEAPONS ON SCHOOL PREMISES; TRANSFERRED STUDENTS' SCHOOL RECORDS***

In addition, any school department personnel shall report in writing to their immediate supervisor an incident involving a student's possession or use of a dangerous weapon on school premises at any time.

Supervisors who receive such a weapon report shall file it with the superintendent of said school, who shall file copies of said weapon report with the local chief of police, the department of social services, the office of student services or its equivalent in any school district, and the local school committee. Said superintendent, police chief, and representative from the department of social services, together with a representative from the office of student services or its equivalent, shall arrange an assessment of the student involved in said weapon report. Said student shall be referred to a counseling program; provided, however, that said counseling shall be in accordance with acceptable standards as set forth by the board of education. Upon completion of a counseling session, a follow-up assessment shall be made of said student by those involved in the initial assessment.

A student transferring into a local system must provide the new school system with a complete school record of the entering student. Said record shall include, but not be limited to, any incidents involving suspension or violation of criminal acts or any incident reports in which such student was charged with any suspended act.

## **APPENDIX O**

### ***CHAPTER 71 SECTION 37H 1/2 Felony complaint or conviction of a student; suspension; expulsion; right to appeal.***

Notwithstanding the provisions of section eighty-four and sections sixteen and seventeen of chapter seventy-six: (2) Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against a student, the principal or headmaster of a school in which the student is enrolled may suspend such student for a period of time determined appropriate by said principal or headmaster if said principal or headmaster determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and the reasons for such suspension prior to such suspension taking effect. The student shall also receive written notification of their right to appeal and the process for appealing such suspension; provided, however, that such suspension shall remain in effect prior to any appeal hearing conducted by the superintendent.

The student shall have the right to appeal the suspension to the superintendent. The student shall notify the superintendent in writing of their request for an appeal no later than five calendar days following the effective date of the suspension. The superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the student's request for an appeal. At the hearing, the student shall have the right to present oral and written testimony on their behalf, and shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the principal or headmaster, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such a decision shall be the final decision of the city, town or regional school district with regard to the expulsion.

## **APPENDIX R**

Parental Notification Law Regarding Human Sexuality Education A parent/guardian may seek to exempt their child from any portion of the curriculum that primarily involves human sexuality education or human sexuality issues. In accordance with M.G.L. c. 71, section 32A, a copy of each subject curriculum and/or program instructional materials will be accessible to parents/guardians, educators, school administrators, and others for inspection and review. A parent/guardian who requests their child to be exempt from any portion of the school curricula which primarily involves human sexuality education or sexuality issues must provide written notification to the principal.

The parent(s)/guardian(s) should specify course, class, or assembly/activity from which the child is to be exempted.

No child will be penalized by reason of an exemption from curriculum covered by the statute. The statute does not mandate, however, that the school provide a customized curriculum for the exempted student. The school will provide an alternative educational project to ensure structured learning time for the student.

## **APPENDIX S**

### **Student Rights**

1. Students have the right to freedom of expression, petition, and to peaceably assemble through speech, symbols, and the dissemination of written viewpoints on school property provided that no disruption or disorder is caused within the school or its programs.
2. No student (person) shall be excluded from or discriminated against the right to attend school in the district in which the student resides.
3. Any student who believes they may have been the victim of discrimination will be informed of the grievance procedure by the principal. Upon request, the Director of Pupil Personnel or their designee will provide further information regarding Chapter 622/Title IX.
4. No student shall be discriminated against because of marriage, pregnancy, or parenthood. The school may require a physician's certificate and/or supervision of a pregnant student.
5. All rules and regulations necessary to maintain the educational process will be announced to students in either written or oral form prior to their implementation.
6. Every student has the right to become involved in the school community to the extent that the student may
  1. vote in student elections;
  2. hold student office;
  3. use school facilities for approved activities that have faculty supervision; and
  4. participate in the development of curriculum, regulations, and a school atmosphere conducive to a positive and worthwhile educational experience.
7. All students have the right to attend school without fear of threats or reprisals.
8. Students 18 years of age or older may refer themselves for an evaluation at any time to determine if there is need for special education services because the student is unable to progress effectively in a regular education program; in this case, a student should contact the appropriate school counselor.
9. A special needs student at MHS under the Individualized Education Plan (IEP) has the right to be present at, and to participate in, the writing of the IEP at the Team Meeting; this Team Meeting usually involves teachers, the student's parent(s)/guardian(s), school counselor, and others who have conducted assessments as part of an evaluation; attendance at this meeting should be requested through the special needs teacher, parent(s)/guardian(s), or school counselor. Any student violating these or any other civil rights of students will be subject to disciplinary action and may be suspended from school for up to 10 days.

## **APPENDIX T**

### **Notice of Equal Opportunity**

The Middleborough Public Schools reaffirm that they do not discriminate on the basis of race, color, sex, national origin, disability, religion, gender expression, or sexual orientation in: admission to, access to, treatment in, or employment in, its programs or activities. Consistent with M.G.L. c. 76, section 5, the Middleborough School District also affirms the commitment to maintain a school and work environment free of harassment based on race, color, religion, sex, national origin, age, disability or sexual orientation. Any harassment on the basis of race, color, sex, national origin, disability, religion, gender expression, or sexual orientation will not be tolerated and will be punishable to the full extent of the law.

If you have any questions about the district's policy, please feel free to contact Mr. Kevin Avitabile whose contact information is located on page seven and eight (7 and 8). They have been designated to respond to your inquiries and to be the district's Equal Opportunity, Title IX, Section 504, and Americans with Disabilities (ADA) Coordinators.

If you have a complaint or concern that discrimination has occurred, you may utilize the following procedure:

1. Report the violation(s) to any staff member in the Middleborough Public Schools. The staff member will notify the building principal. The building principal will meet with you and other persons who might have information about the issue promptly and will attempt to resolve the issue. Any additional investigation will be conducted by the school district investigators in each area, within a reasonable period of time. The building principal will issue a decision in writing to you within ten (10) days of the conclusion of the investigation.
2. If the complaint is not resolved, it can then be appealed to the district's Equal Opportunity, Title IX, Section 504, or ADA Coordinator. This appeal must be in writing, describe the circumstances, and the relief you seek. This appeal should be submitted within one (1) week after receipt of the principal's decision.
3. The Equal Opportunity, Title IX, Section 504, ADA Coordinator will meet with you within a reasonable time. Following a review of the materials presented to the principal and any additional investigation which will be conducted promptly, the Coordinator will make a final determination on whether there has been a violation of the district's policy within ten (10) days after the conclusion of any additional investigation. If there has been a violation, the Coordinator will indicate the steps to be taken to correct it.

Inquiries concerning the application of nondiscrimination policies may also be referred to:

Regional Director, Office for Civil Rights  
U.S. Department of Education  
33 Arch Street, Suite 900  
Boston, MA 02110-1491

Student: \_\_\_\_\_ HR Teacher: \_\_\_\_\_

*To be signed and returned to your home room teacher***PARENT/STUDENT ACKNOWLEDGEMENT FORM  
JOHN T. NICHOLS MIDDLE SCHOOL****PARENT ACKNOWLEDGEMENT**

I have reviewed, and I understand the regulations and policies of the Nichols Middle School contained in the Student/Parent Handbook for 2022-2023 as they pertain to my Student. I understand that my student is responsible for following the regulations and policies of the Nichols Middle School.

I am aware of my role as parent/guardian with regard to attendance, tardiness, dismissals, and the disciplinary policy.

Student Name \_\_\_\_\_ Grade 7Parent/Guardian Signature [Signature] Date: 9-1-22**STUDENT ACKNOWLEDGEMENT**

I have read, and I understand the regulations and policies of the Nichols Middle School Student/Parent Handbook for 2022-2023.

I understand that I am responsible for following the regulations and policies of the Nichols Middle School.

I am aware that hazing, harassment, and bullying in any form is prohibited within the Nichols Middle school.

Student Signature \_\_\_\_\_ Date: 9-1-22**Parental Permission for Use of Student's Photograph, Likeness, and/or Voice for School Year**

This form is used to establish formal parental permission for student participation in areas where pictures are taken, voices are recorded, and/or videotapes are made.

Initial here if you **DO NOT** want your child to be photographed, voice recorded or videotaped. ✓

Initial here if you make an **exception** for the use of the photograph in the school yearbook \_\_\_\_\_

Otherwise, I hereby grant permission to Nichols Middle School to use my child's likeness, and/or voice in any way that would reasonably portray programs of the Nichols Middle School. This included the yearbook, pictures taken in classrooms or on field trips, science fair projects, school programs, etc.

**Military Families**

In May 2012, as part of the VALOR act Massachusetts became a member of the Interstate Compact on Educational Opportunity for Military Children. The compact aims to make the transition to a new school easier for military children in areas such as enrollment, assessment, graduation, etc. The provisions of the Compact also apply to students whose Parent/Guardian is currently deployed, or who was discharged from active duty due to a disability or died while on active duty within the past year.

Please check which applies. \_\_\_\_\_ is a member of the armed forces on full time active duty. \_\_\_\_\_ is currently deployed. \_\_\_\_\_ is a veteran who retired within the past year. \_\_\_\_\_ was medically discharged within the past year. \_\_\_\_\_ died while serving our country within the last year.

Date of discharge, retirement, death, deployment, military transfer, etc. \_\_\_\_\_

Student Name \_\_\_\_\_ Name of Service Member \_\_\_\_\_